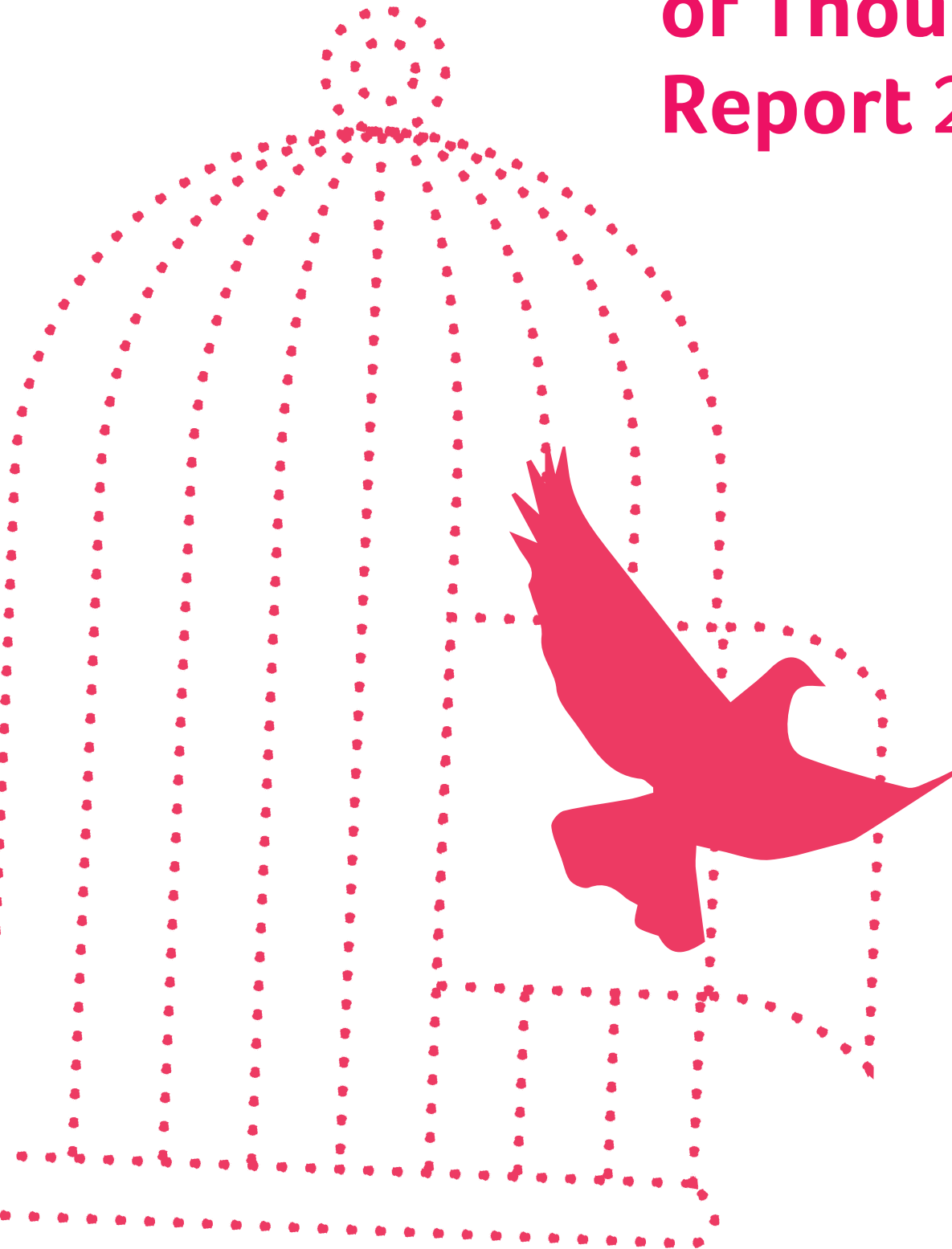


The Freedom of Thought Report 2022



Key Countries Edition

A global report on the rights, legal status and discrimination against humanists, atheists, and the non-religious



Humanists
INTERNATIONAL

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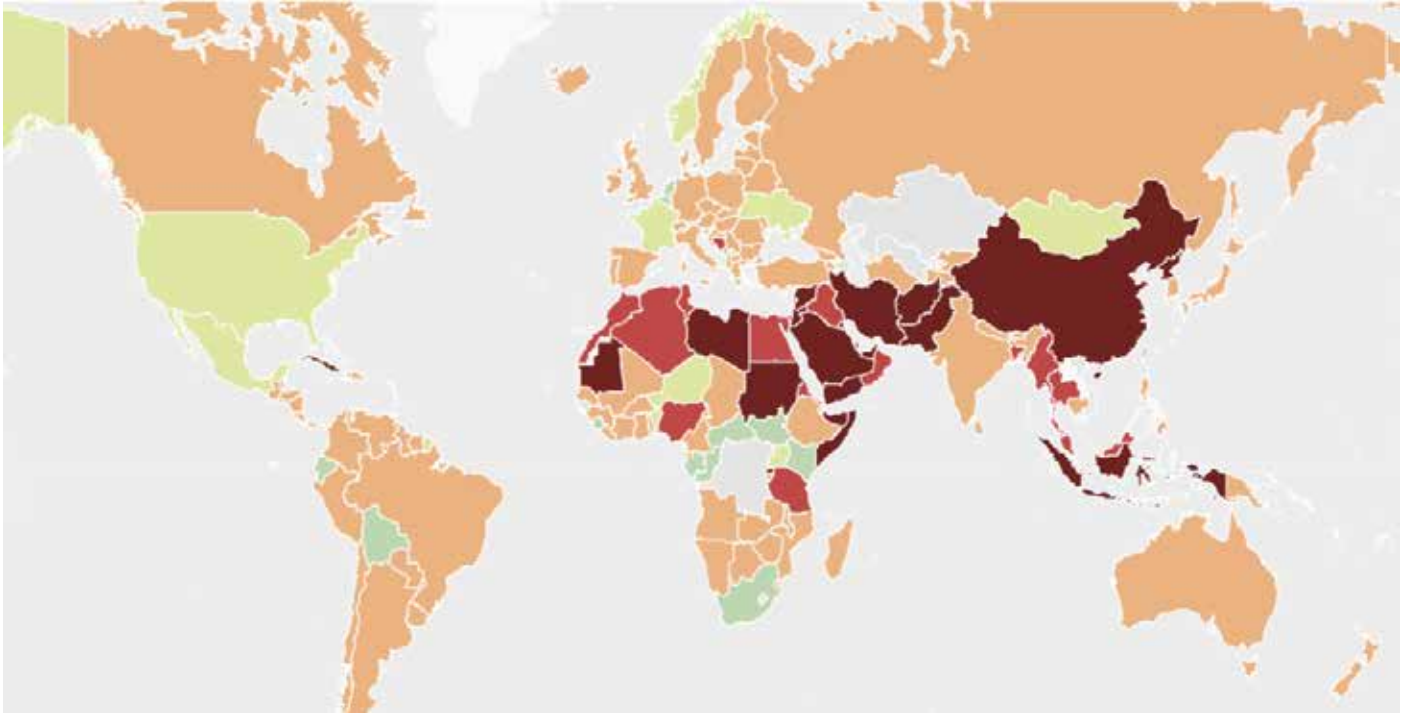
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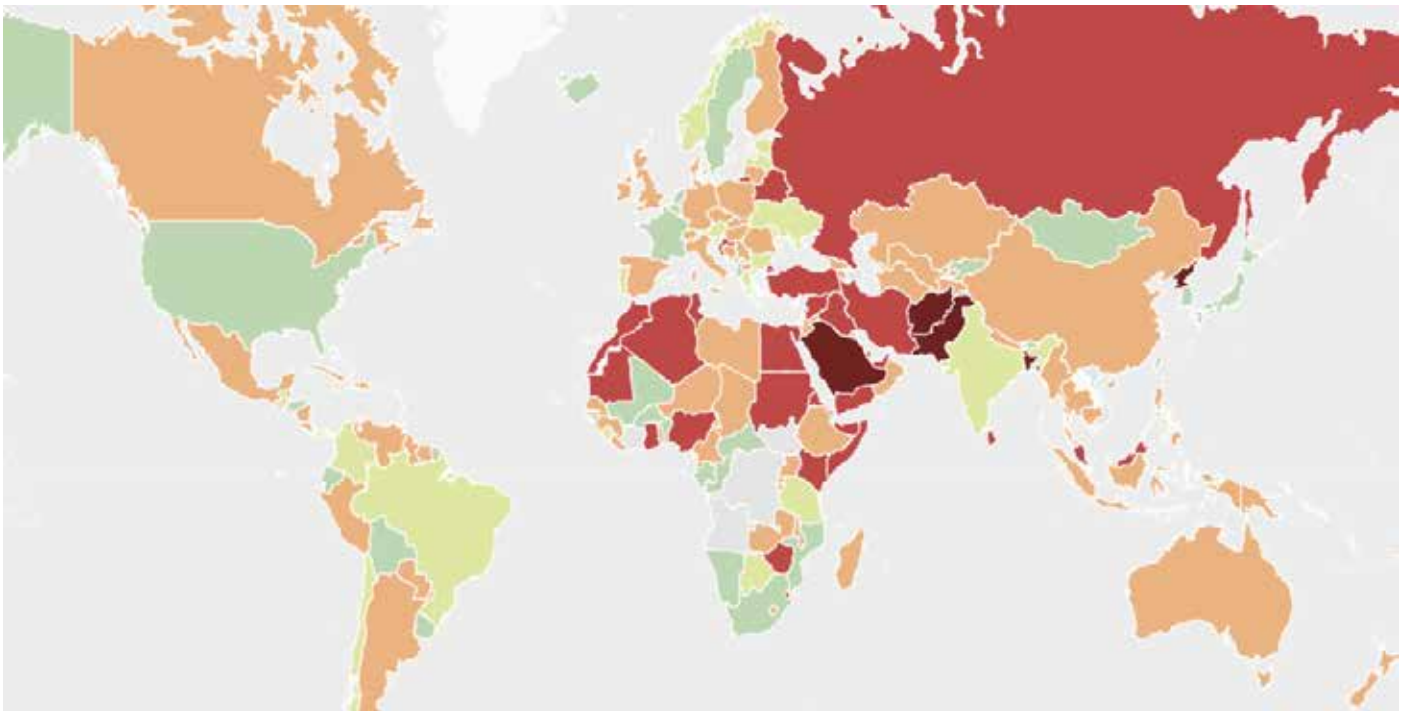
Humanists International is the global representative democratic body of the humanist movement, which unites a diversity of humanist (and other non-religious) organizations and individuals. We want everyone to live a life of dignity in a world where universal human rights are respected and protected, including adherence to political secularism by all states. We work to build, support and represent the global humanist movement by defending human rights, particularly those pertaining to non-religious people, and promoting humanist values world-wide as exemplified in the Amsterdam Declaration (2002).

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Constitution & Government



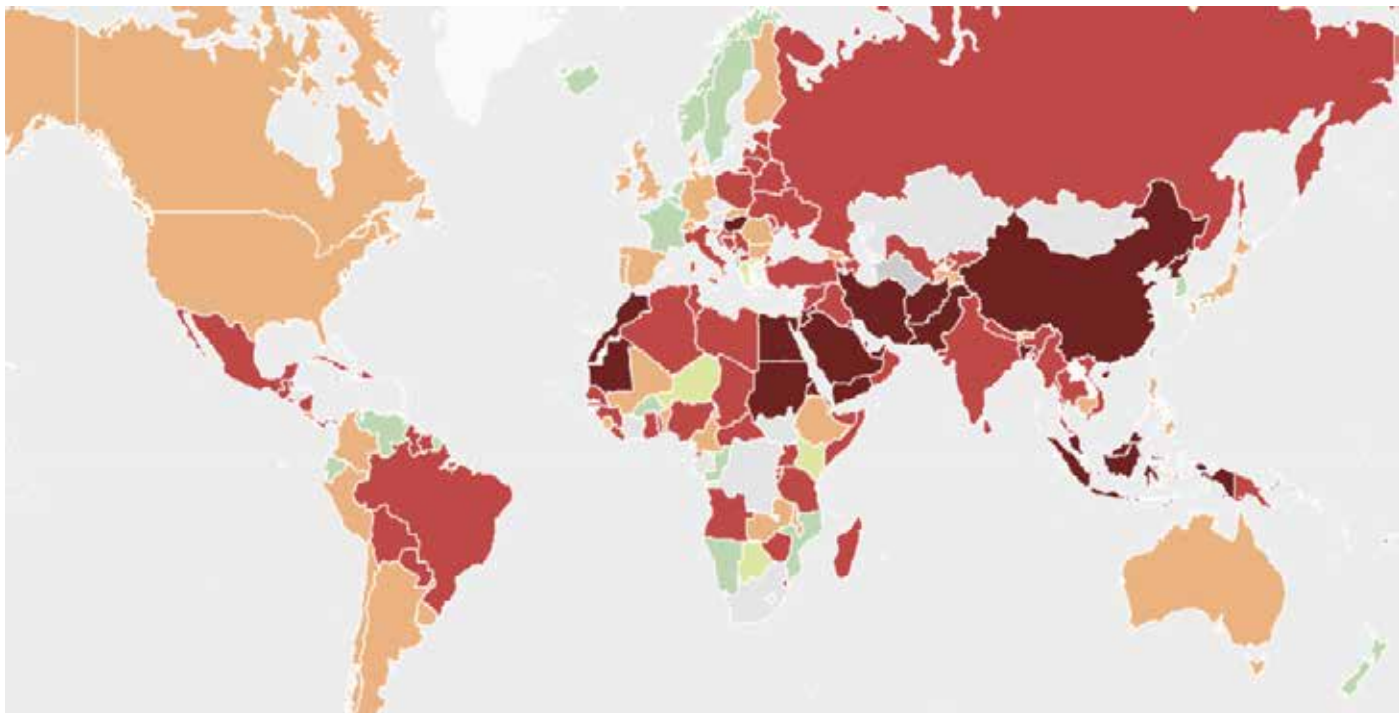
Education & Children's Rights



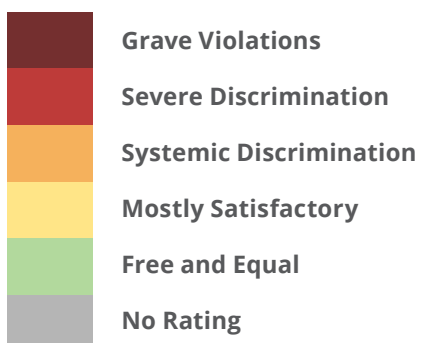
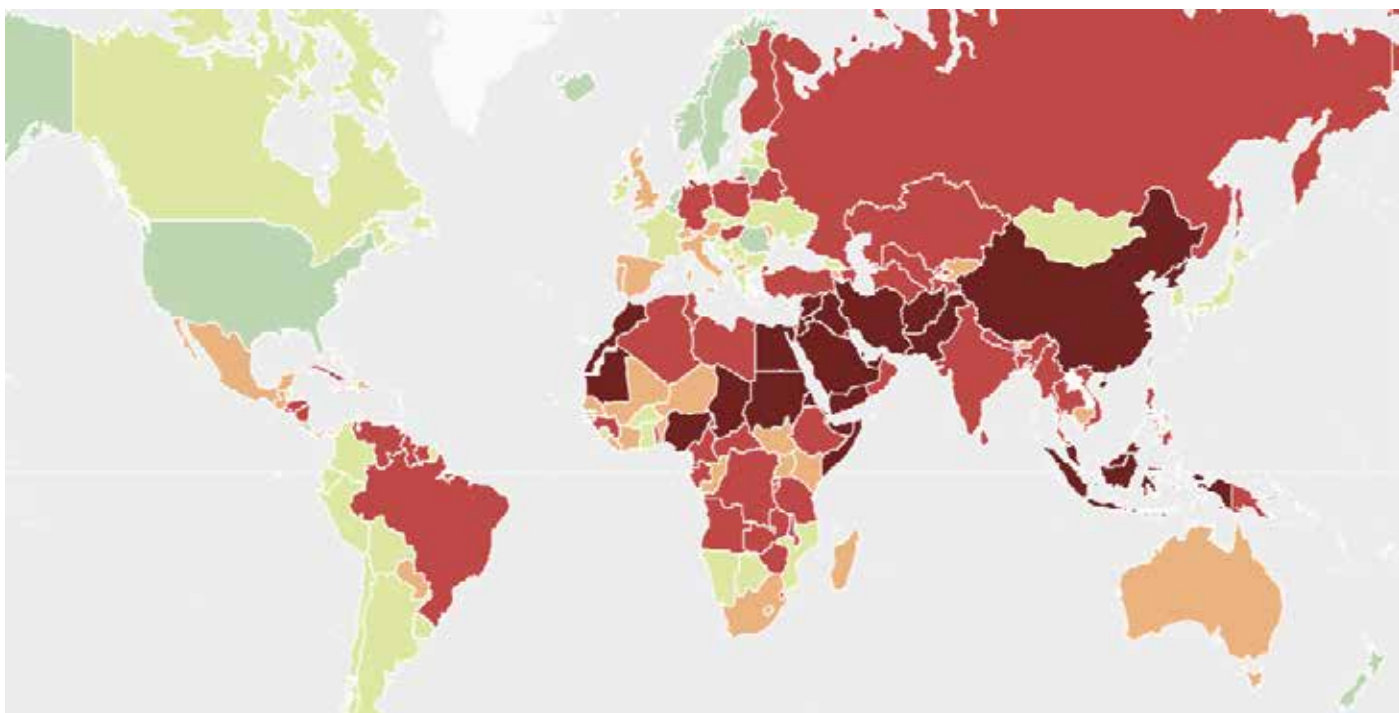
These maps depict the findings of the full Freedom of Thought Report which is available in a complete Online Edition at fot.humanists.international

The maps correspond to each of the four thematic strands of the Report: Constitution & Government; Education & Children's Rights; Society & Community; Freedom of Expression & Advocacy of Humanist Values. Each map shows the highest severity level (see key, right) of any boundary condition applied in each thematic strand.

Society & Community

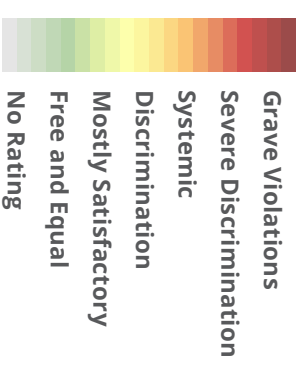


Freedom of expression, humanist values

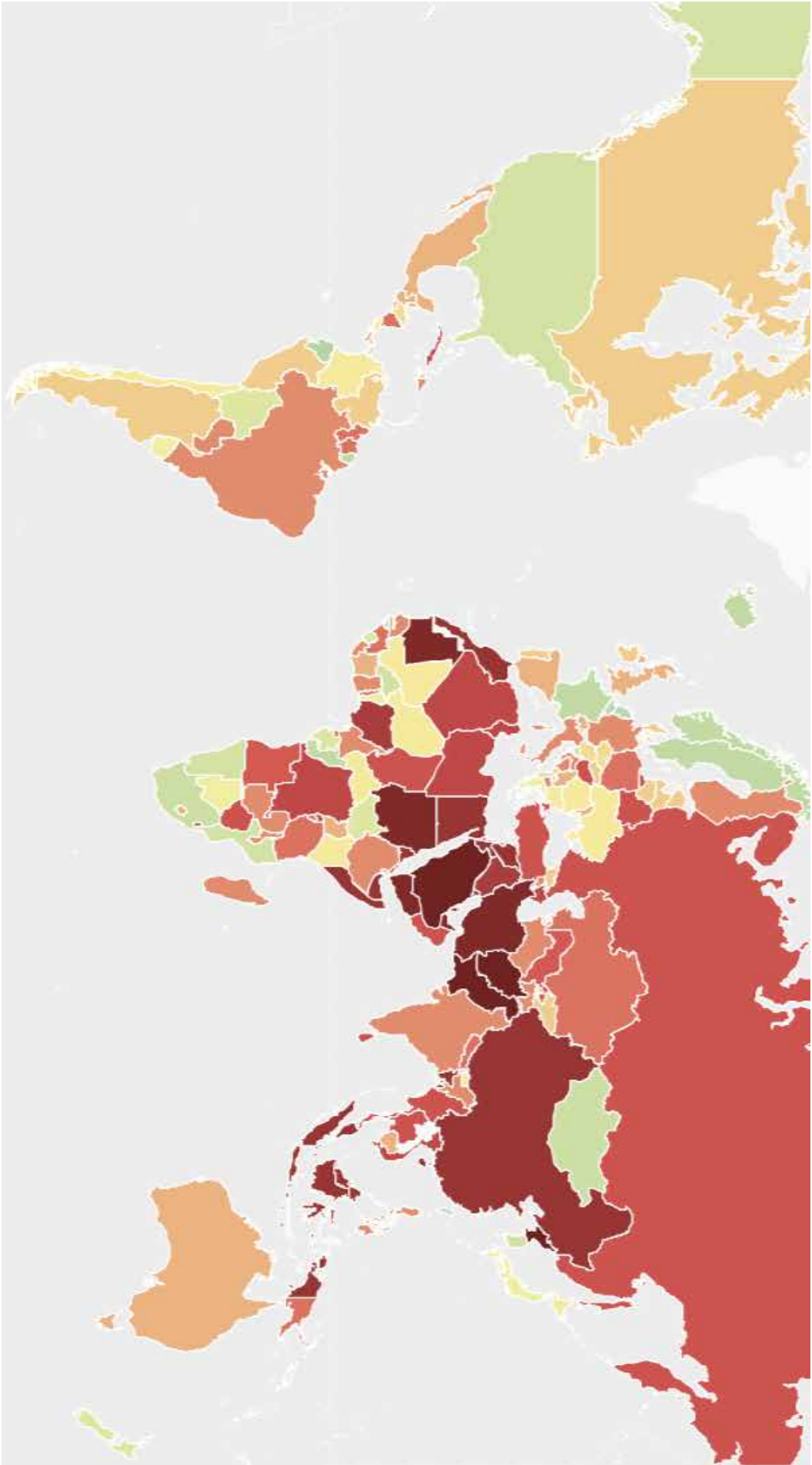


This map depicts the findings of the full Freedom of Thought Report which is available in a complete Online Edition at [fot.humanists.international](https://www.fot.humanists.international)

The following maps colour each country by the level of the most severe boundary condition(s) applied in each category. For example: if the worst boundary condition that is found to apply in the “freedom of expression” category was at the level of “Severe discrimination” then this country will be coloured red (see the key, right).



Summary Score



Preface to the 2022 edition

By Andrew Copson

The Freedom of Thought Report offers an annual insight into the state of human rights around the world with a special focus on the situation of humanists, atheists and other non-religious people. It highlights violations of freedom of conscience and of belief, from blasphemy and apostasy laws to discrimination against the non-religious in everyday life.

As the only worldwide survey of discrimination and persecution against the non-religious, the report has an entry for every country in the world, with a unique rating system allowing comparisons to be drawn between jurisdictions. Its results reveal widespread human rights abuses against us, perpetrated by governments, religious groups, and everyday community members, who view us with hostility or suspicion.

“In this 11th edition of the report we return to a recurring theme of the report throughout the years, and one we consider a foundational principle of a just and equitable society: political secularism.”

In Humanists International's 2017 London Declaration on Secularism we identified three main principles of secularism:

1. State secularism should guarantee freedom for all, including religious believers.
2. Secularism should ensure freedom of thought and expression.
3. Secularism should be inclusive.

This year's Report provides evidence of clear and systematic discrimination against



Andrew Copson is President of Humanists International

humanists and non-religious people, and this discrimination is most prevalent in countries with less state secularism. State secularism appears to be a prerequisite for the full enjoyment of the right to freedom of religion or belief.

To combat this ill treatment, the Report makes valuable reading for those organizations and individuals who are, like Humanists International, committed to further action to protect the freedom of thought, conscience, and belief of those who do not espouse any religion or belief in gods.

Freedom of thought is a fundamental human right, enshrined in the Universal Declaration of Human Rights, but it isn't realized for all. At a time when our rights are under attack, the Freedom of Thought Report is a rallying cry to protect them. At Humanists International we commit ourselves to this endeavor and to working for a better world alongside all who do the same.

Foreword to the 2022 edition

By Rishvin Ismath

Experiencing freedom is something as rare as finding hens' teeth to me. When I was a kid, my freedom was either stolen or controlled by elders such as parents, teachers, relatives, even the neighbors, or rather I did not know there was something called freedom.

Being born in Jaffna, the capital of the northern peninsula of Sri Lanka, which was the hotbed of the civil war, I felt crippled as my movements were also controlled due to the war; I was only reminded that I had legs during those times when we all had to run and hide from flying bullets and blasting bombs. This was almost the same childhood biography for every child who grew up there.

As a teenager I was becoming an Islamist; I did not have the freedom to practice everything that I studied and believed to be the guidance of the so-called "almighty god" portrayed by my now ex-religion.

I had to use a virtual padlock on my mouth not to talk about whatever I studied and believed, and the words of the so-called God, to save myself from trouble. I was very well aware that I would be arrested, if I practiced what my religion taught me. It's possible that every Islamist would go through the same until they become a jihadist.

"Once I opened my eyes wide and realized that I was fooled by imaginations, fictions, lies... utter lies, I left the religion, and yet I did not have the freedom to declare myself as an ex-Muslim, because I was conscious of the consequences."



Rishvin Ismath, Founding President of the Council of Ex-Muslims of Sri Lanka

When I did eventually declare my true self—an ex-Muslim—to the public, it was before the media at the Parliamentary Select Committee on 20 June 2019, while I was giving testimony regarding the Easter Sunday Suicide Attacks.

After that, I lost the last iota of the freedom I had. There was an unannounced bounty on my head for leaving Islam. I happened to choose to live in the dark, in hiding.

Over the years, there have been several unsuccessful attempts on my life, confirmed to me by the state intelligence of the country. I have been living in fear; I am forced to spend my days in hiding and running for safety. I live my life online.

General Introduction

The Freedom of Thought Report by Humanists International is a unique annual report and online resource which looks at the rights and treatment of humanists, and the non-religious generally, in every country in the world.

Specifically, this report looks at how non-religious individuals—whether they call themselves atheists, agnostics, humanists, freethinkers, or are otherwise just simply not religious—are treated because of their lack of religion or absence of belief in a god. We focus on discrimination by state authorities; that is systemic, legal or official forms of discrimination and restrictions on freedom of thought, belief and expression. We also try to include some consideration of extra-legal persecution or persecution by non-state actors, social discrimination, and personal experience where possible.

In setting the parameters of this survey, we focus on the global human rights agreements that most affect the non-religious: the right to freedom of thought, conscience, religion or belief; the right to freedom of expression; and, to some extent, the rights to freedom of assembly and association. We consider national laws that compromise or violate these rights, or which otherwise enshrine discrimination against the non-religious. Of course, laws and practices affecting the non-religious often also impact on religious groups—usually religious minorities in a national context—so we also consider the corresponding impact from discriminatory laws on other groups. Sometimes we also consider wider social and ethical issues indicative of the marginalization of humanist values.

Our findings show that the overwhelming majority of countries fail to respect the rights of humanists, atheists and the non-religious. For example, there are laws that: deny atheists' their right to identify; revoke their right to citizenship; restrict their right to marry; obstruct their access to or experience of public education; prohibit them from holding public office; prevent them from working for the state; or criminalize the expression of their views on and criticism of religion. In the worst cases, the state or non-state actors may execute the non-religious for leaving the religion of their parents deny the rights of atheists to exist, or seek total control over their beliefs and actions.

By limiting the scope of the report to the systemic,

legal or official forms of discrimination—so called 'hard' indicators—the effect of social stigma, non-official discrimination and other 'soft' factors which might affect the lives of the non-religious are underestimated. We acknowledge this limitation, and it is our intention to expand the remit of this report when we have the resources to do so. In 2020 we were funded by the UK Government to undertake a separate report, with a more limited scope into the lived experiences of humanists in eight countries around the world. This report, *The Humanists At Risk: Action Report 2020*, found that in these countries, many humanists reported experiencing bullying, discrimination, ostracism and social isolation.¹

This year's Key Countries edition examines 10 countries across the globe that have been updated in 2022, including recent developments in Sri Lanka, Barbados, and Senegal, with all other country entries available online.

A secularizing world

Any rights violations and discrimination are important, even when only small numbers of people are affected. However, the non-religious are not a small group. Atheists (those who do not believe in any god), and humanists (those who embrace a morality centered on human welfare and human flourishing that does not appeal to any supernatural or divine entities), and others who consider themselves non-religious, constitute a large and growing population across the world.

A detailed survey in 2012 revealed that religious people make up 59% of the world's population, while those who identify as "atheist" make up 13%, and an additional 23% identify as "not religious" (while not self-identifying as "atheist"). The report by the WIN-Gallup International Association² is in line with other recent global surveys. It shows that atheism and the non-religious population are growing rapidly—religion dropped by 9 percentage points and atheism rose by 3 percentage points between 2005 and 2012—and that religion declines in proportion to the rise in education and personal income, which is a trend that looks set to continue. Even in countries which at first glance seem to have few self-identifying non-religious people, it should be remembered that often it is these states or societies that are most

oppressive of non-religious views.

Far from thinking that a country with seemingly very few non-religious people is probably not contravening the rights of the non-religious, commentators should recognize that the apparent absence of non-religious voices may well indicate that the non-religious are self-censoring their views in response to oppressive laws or social taboo, or that they are being actively silenced, as this report documents all too often.

Freedom of thought under the human rights framework

The right to freedom of thought, conscience, religion or belief protects the individual conscience of every human being. This right was first stated by the global community in 1948 in Article 18 of the Universal Declaration of Human Rights. It states:

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

— Article 18, Universal Declaration of Human Rights

This simple but powerful statement was given the force of international law by Article 18 of the International Covenant on Civil and Political Rights in 1976. In 1981, it was given broader application and detail by the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Just as freedom of thought, conscience, religion or belief protects the right of the individual to follow a religion, it also protects the right to reject any religion or belief, to identify as humanist or atheist, and to manifest non-religious convictions through expression, teaching and practice. As the United Nations Human Rights Committee explains (General Comment 22):³

“1. The right to freedom of thought, conscience and religion (which includes the freedom to hold beliefs) in article 18.1 is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others...

2. Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms ‘belief’ and ‘religion’ are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions.”

Thus, it is not necessary to describe atheism as a religion, or as analogous to religion, to guarantee atheists the same protection as religious believers. On the contrary, atheism and theism are protected equally as manifestations of the fundamental right to freedom of thought, conscience, religion or belief.

Religious believers and non-believers are equal in human rights because they are all human, irrespective of their religion or beliefs. Just as the profession of religion is protected as a manifestation of belief and conscience, so is the atheist’s criticism of religious beliefs and practices. Just as speaking in support of one’s religious convictions and moral values can be of fundamental meaning and importance to the individual, so can advocating core humanist values of democracy, freedom, rationalism, or campaigning for human rights, equality and the principles of secularism. As the United Nations says, “religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life”.⁴

Article 18 protects atheists’ rights to be atheist and to manifest their atheist beliefs, and non-beliefs, in public as well as in private, in teaching as well as in practice. The right to freedom of religion or belief is therefore central to our examination of the status of atheists and other non-religious people around the world. But there are other rights that are necessary for people to express their conscience, thoughts and beliefs.

Other rights and freedoms

The right to freedom of expression is not only necessary for people to express their beliefs, but also to explore and exchange ideas. As stated by Article 19 of the Universal Declaration of Human Rights, the right to freedom of expression includes the right to share ideas and, crucially, the freedom of the media that is necessary for the free exchange of opinions as well as news:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

— Article 19, Universal Declaration of Human Rights

In addition to expressing their thoughts through private discussion or public media, people also have the right to associate with others who share those beliefs, and to express their thoughts at meetings, including public assemblies and demonstrations. These rights are protected by Article 20 of the Universal Declaration of Human Rights: “Everyone has the right to freedom of peaceful assembly and association” (Article 20).

It is no coincidence that these three rights are stated together in the Universal Declaration of Human Rights; Articles 18, 19, and 20 are intertwined, and generally stand or fall together. Our survey therefore looks at violations to the freedoms of expression, assembly and association, as well as freedom of thought, conscience, religion or belief, to show how non-religious people are prevented from, or persecuted for, expressing their atheist ideas or humanist values.

The countries with the worst records on freedom of thought are usually the countries with the worst records on human rights overall. This is no coincidence either: when thought is a crime, no other freedom can survive for very long.

Rights violations and discrimination against the non-religious

Apostasy and blasphemy laws

In some countries, it is illegal to be, or to identify as, an atheist. Many other countries, while not outlawing people of different religions or no religion, forbid leaving the state religion. In these countries the punishment proscribed in law for “apostasy” (converting religion or declaring oneself not of a religion) is often death. In fact, for at least 10 countries in which ‘apostasy’ is punishable, it is punishable with death in whole or in part of the country (Afghanistan, Iran, Malaysia, Maldives, Mauritania, Nigeria, Qatar, Saudi Arabia, United Arab Emirates, Yemen). Pakistan doesn’t have a death sentence for apostasy but it does for “blasphemy”, and the threshold for blasphemy can be very low. So, in effect you can be put to death for expressing atheism in 11 countries.

More common than crimes relating to simply being an atheist are the criminal measures against expressing atheist views. Many countries have “blasphemy” laws that outlaw criticism of protected religions, religious beliefs, religious figures, or religious institutions. For example, Pakistan has prosecuted more than a thousand people for blasphemy since introducing its current anti-blasphemy laws in 1988. Dozens of those found guilty remain on death row, and there are repeated calls from Islamist leaders to lift the effective moratorium, enforce the death penalty, and make death the only sentence for “blasphemy” convictions.

The “crime” of criticizing a religion is not always called “blasphemy” or “blasphemous libel”. Some countries outlaw “defamation of religion”; sometimes it is included under hate speech laws (i.e. some hate speech laws outlaw expressions that fall well below any sensible standard of actually inciting hatred or violence); some quasi-“blasphemy” laws outlaw instead “hurting religious sentiments” or “insulting religion”. As documented in this report, there are legal restrictions against expressing “blasphemy”, defaming or insulting religion or religious beliefs, or offending religious feelings etc, in dozens of countries.

‘Apostasy’ and ‘blasphemy’ laws get a lot of attention because they are often fairly quantifiable and certainly within the context of human rights discourse there is a wide consensus that they constitute human rights violations. There are other laws that severely affect those who reject religion however.

Other discriminatory laws

Some countries have family law that in effect excludes atheists from getting married (unless they pretend to be religious) or will remove parental rights from parents known to be atheists. Some countries require that certain public officers are restricted to persons of a particular religion, thereby excluding the non-religious. Some governments require citizens to identify their religion (for example on state ID cards or passports) but make it illegal, or do not allow, for them to identify as an atheist or as non-religious. Sometimes, the purpose of citizens identifying their religion is not to discriminate against atheists—or any religion—but to ensure government benefits are given to people in accordance with their faith, or that religious laws enforced by religious courts will apply to them on certain matters, especially family matters. However in many such countries this means that atheists are marginalized.

In fact, discrimination against the non-religious is often caused, not by a desire to hurt atheists, but by the desire to help one or more religions. The promotion of religious privilege by the state is one of the most common forms of discrimination against atheists. Freedom of religion or belief requires equal and just treatment of all people irrespective of their beliefs. But when states start to define citizens not by their humanity but by their membership of a religious group, discrimination automatically follows. For example, as a result of its 15-year-long civil war and with a view to bringing peace to the country, the entire system of government in Lebanon is based on sectarian quotas, with different rights and roles available to Sunni Muslims, Shiite Muslims and Maronite Christians, etc. This practice not only codifies and encourages religious discrimination but it also discourages people from leaving the religion of their birth, because they will lose all the state privileges that come with belonging to that religion.

Religious privilege is also seen in many countries' public services and public education. The most common and substantial of these privileges is religious control of state-funded schools. For example, in Northern Ireland 94% of state-funded schools are religious in character. This not only reinforces sectarianism beyond the school gate, but also excludes the non-religious.

Family law, also known as "personal status law", is the set of laws that control marriage, divorce, inheritance, child rearing and child custody—all of family life. More than that, personal status law also determines the individual's relationship with the community and state: for example, a wife has different legal rights and legal relationships than an unmarried woman. Many Muslim countries give control of family law to the Sharia courts operating Muslim, not civil, law. Other countries, usually those with historically large religious minorities, have voluntary religious family courts for the different religious communities. Unfortunately for freethinkers who may have left, or want to leave the religion of their family, these "optional" religious family courts can become a trap that is far from voluntary, where opting out may raise suspicions of apostasy or threats of social exclusion or abandonment by one's family. Notably, non-religious women often suffer double discrimination in religious family courts; whereby they are discriminated against not only on the grounds of their belief but on the grounds of their gender also.

In compiling this evolving, annual report, we also find that religious privilege is not only a form of discrimination in and of itself, but it is also a signifier of more general societal discrimination against atheists. When a religion is singled out as special,

then it generally follows that the members of that religion receive advantages not available to others. Even when there is just a vague state preference for generic religion, or belief in a god, it may reinforce societal prejudice and discrimination against the non-religious. Therefore, we also consider in this report religious discrimination, or religious privilege, even when its supporters claim it is merely ceremonial or symbolic. We agree that some religious signalling by the state is sometimes "only" a matter of symbolism, but what it symbolizes is the state's preference for religion or for a particular religion, and the second class status or disfavoursing of the non-religious.

References

¹ <https://humanists.international/get-involved/campaigns/humanists-at-risk-report/>

² <http://www.wingia.com/web/files/news/14/file/14.pdf>

³ <https://www.refworld.org/docid/453883fb22.html>

⁴ UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Ratings System

Every country in this report is assessed against a range of “boundary conditions.” The boundary conditions are statements which may or may not apply to each country. Each boundary condition is associated with one of four thematic strands (these are the vertical columns in the

table below). Also, each boundary condition is placed at a given level of severity (these are the coloured horizontal rows in the table below). The following table lists all the possible boundary conditions.

| Constitution and government | Education and children's rights | Family, community, society, religious courts and tribunals | Freedom of expression, advocacy of humanist values |
|--|--|--|---|
| GRAVE VIOLATIONS | | | |
| <p>Complete tyranny precludes all freedoms of expression and thought, religion or belief</p> <p>Religious authorities have supreme authority over the state</p> <p>State legislation is largely or entirely derived from religious law or by religious authorities</p> <p>Quasi-divine veneration of a ruling elite is enforced, or a single-party regime holds uncontested power, subject to severe punishment</p> <p>The non-religious are barred from holding government office</p> | <p>Religious or ideological indoctrination is utterly pervasive in schools</p> <p>Religious or ideological instruction in a significant number of schools is of a coercive fundamentalist or extremist variety</p> | <p>Expression of non-religious views is severely persecuted, or is rendered almost impossible by severe social stigma, or is highly likely to be met with hatred or violence</p> <p>There is a pattern of impunity or collusion in violence by non-state actors against the nonreligious</p> <p>Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious</p> <p>It is illegal to register an explicitly humanist, atheist, secularist or other non-religious NGO or other human rights organization, or such groups are persecuted by authorities</p> | <p>Expression of core humanist principles on democracy, freedom and human rights is brutally repressed</p> <p>'Apostasy' or conversion from a specific religion is outlawed and punishable by death</p> <p>'Blasphemy' or criticism of religion is outlawed and punishable by death</p> <p>It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed</p> <p>It is illegal or unrecognised to identify as an atheist or as non-religious</p> |

| Constitution and government | Education and children's rights | Family, community, society, religious courts and tribunals | Freedom of expression, advocacy of humanist values |
|---|--|---|--|
| SEVERE DISCRIMINATION | | | |
| <p>The non-religious are barred from some government offices (including posts reserved for particular religions or sects)</p> <p>State legislation is partly derived from religious law or by religious authorities</p> | <p>Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</p> | <p>The dominant influence of religion in public life undermines the right to equality and/or non-discrimination</p> <p>The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism</p> <p>Systemic religious privilege results in significant social discrimination</p> <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</p> <p>Prohibitive interreligious social control (including interreligious marriage bans)</p> <p>Religious control over family law or legislation on moral matters</p> <p>It is made difficult to register or operate an explicitly humanist, atheist, secularist or other non-religious NGO or other human rights organization</p> | <p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <p>'Apostasy' is outlawed and punishable with a prison sentence</p> <p>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</p> |

| SYSTEMIC DISCRIMINATION | | | |
|---|---|---|--|
| <p>There is systematic religious privilege</p> <p>Preferential treatment is given to a religion or religion in general</p> <p>There is an established church or state religion</p> <p>Legal or constitutional provisions exclude non-religious views from freedom of belief</p> <p>There is a religious tax or tithing which is compulsory, or which is state-administered and discriminates by precluding non-religious groups</p> | <p>There is state funding of at least some religious schools</p> <p>Religious schools have powers to discriminate in admissions or employment</p> <p>Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</p> <p>Some concerns about children's right to specifically religious freedom</p> | <p>Use of Conscientious Objection clauses resulting in the denial of lawful services to women and LGBTI+ people</p> <p>There is significant social marginalization of the non-religious or stigma associated with expressing atheism, humanism, or secularism</p> <p>Some religious courts rule in civil or family matters on a coercive or discriminatory basis</p> <p>Discriminatory prominence is given to religious bodies, traditions or leaders</p> | <p>Expression of core humanist principles on democracy, freedom, or human rights is somewhat restricted</p> <p>Criticism of religion is restricted in law or a de facto 'blasphemy' law is in effect</p> |

| Constitution and government | Education and children's rights | Family, community, society, religious courts and tribunals | Freedom of expression, advocacy of humanist values |
|---|---------------------------------|--|--|
| State-funding of religious institutions or salaries, or discriminatory tax exemptions | | Religious groups control some public or social services | |

MOSTLY SATISFACTORY

| | | | |
|---|--|--|--|
| <p>There is a nominal state church with few privileges or progress is being made toward disestablishment</p> <p>Official symbolic deference to religion</p> <p>Anomalous discrimination by local or provincial authorities, or overseas territories</p> | <p>State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional</p> <p>State-funded schools provide religious education which may be nominally comprehensive but is substantively biased or borderline confessional</p> | <p>Religious courts or tribunals rule directly on some family or 'moral' matters; it is legally an opt-in system, but the possibility of social coercion is very clear</p> <p>Localised or infrequent but recurring and widespread social marginalization or prejudice against the non-religious</p> | <p>Some concerns about political or media freedoms, not specific to the non-religious</p> <p>Concerns that secular or religious authorities interfere in specifically religious freedoms</p> |
|---|--|--|--|

FREE AND EQUAL

| | | | |
|---|---------------------------------------|---|---|
| The state is secular, with separation of religious and political authorities, not discriminating against any religion or belief | No formal discrimination in education | No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state | No fundamental restrictions on freedom of expression or advocacy of humanist values |
|---|---------------------------------------|---|---|

NO RATING

| | | | |
|--|--|--|--|
| Insufficient information or detail not included in this report | Insufficient information or detail not included in this report | Insufficient information or detail not included in this report | Insufficient information or detail not included in this report |
| No condition holds in this strand | No condition holds in this strand | No condition holds in this strand | No condition holds in this strand |

Example ratings table for a single country

| Constitution and government | Education and children's rights | Family, community, society, religious courts and tribunals | Freedom of expression, advocacy of humanist values |
|---|---|--|---|
| | | Government authorities push a socially conservative, religiously inspired agenda, without regard to the rights of those with progressive views | 'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence |
| Preferential treatment is given to a religion or religion in general State-funding of religious institutions or salaries, or discriminatory tax exemptions | Religious instruction is mandatory in at least some public schools (without secular or humanist alternatives) | Some religious courts rule in civil or family matters on a coercive or discriminatory basis | Expression of core humanist principles on democracy, freedom of human rights is somewhat restricted |
| Official symbolic deference to religion | | | Some concerns about political or media freedoms, not specific to the non-religious Concerns that secular or religious authorities interfere in specifically religious freedoms |

How countries are rated

Only the boundary conditions which are found to apply to a given country are shown in that country's own "ratings table." Here is an example ratings table which would be found on a country's individual page.

In the individual country ratings table, rows at the edges of the table are omitted when no boundary conditions were found to apply in those rows. In the example, there is no green row and no dark red row, because no strand was found to meet boundary conditions at the lowest level or at the highest level of severity.

A "signal light" summary system sits alongside the title of each country on its individual page. The "signal light" shows the worst rating received in each strand. In the example table above, the worst-rated boundary conditions applying in the left-most two strands are both at the middle level of severity: orange. The worst-rated boundary conditions applying in the right-most two strands are both at the second highest level of severity: red. (They don't always come in pairs like this!)

A "signal light" shows that the worst boundary conditions applied in this example were at levels, 3, 3, 4 and 4.

| Const/Govt | Edu/Child | Society/Comm | Expression |
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Here is an example "signal light" summary which corresponds to the example ratings table above.

The "signal light" is designed to give an at-a-glance visual summary of the country's rating within the scope of this report.

Another look at the full list of boundary conditions

It is common for a condition on the more free end of the spectrum (except for the "Free and equal" conditions) to be superseded by a condition on the more severe end of the spectrum. In this case, the less severe condition

may remain implicit, and not listed against the country in the report. For example: If blasphemy is punishable by a maximum sentence of “death,” then the less severe boundary condition stating that blasphemy that is punishable by “imprisonment” may be omitted in an individual country’s ratings table.

The table is designed to break the boundary conditions into separate “strands” of concern, allowing for a clearer visualisation of what information is available or included in the Report. This means that as we gather more information we will be doing a better job at identifying gaps in our own coverage. As stated in earlier edition of this Report, given the way the ratings are designed, some ratings are likely to get worse over time simply because we are satisfied that additional, more severe boundary conditions have been met.

Omission of a boundary condition in the ratings box does not necessarily mean that that condition does not hold in reality; it may be that that information is missing from the Report. We are always interested in new sources of information.

The bottom, grey row does not contribute toward the “severity” rating of a country. Only the null conditions “No condition holds in this strand” or “Insufficient information or detail not included in this report” appear at this level.

Cautions

It should be noted that this report cannot claim to be exhaustive. While all sovereign nations are recorded in this report, some “overseas territories” are not detailed and are not necessarily without discrimination on freedom of thought. Likewise, the individual cases listed as “Highlighted Cases” in this report are examples, not exhaustive lists.

Lack of transparency in some countries makes comprehensive analysis of those countries more difficult. In some countries, usually among the worst offenders, the secrecy of courts, or state control of media, or lack of reporting, make it impossible to produce a complete account. In some countries, vague laws or broad legal powers delegated to local authorities make it difficult to ascertain exactly how laws are applied (or not applied) on the ground.

We may still be overlooking serious concerns in some countries where we have little on-the-ground contact and the last thing we want to achieve is to make already marginalised non-religious people feel like their problems are being ignored or overlooked because we have given the country a better rating than it deserves,

or because we have overlooked issues of concern. If you find yourself in this situation, or you have any other information including mitigation or errata for a given country, please take it as a prompt to reach out to us and make contact via report@humanists.international.

Watch List

Following a revision to our editorial policy in 2020, Humanists International moved to a rolling cycle of updates, which means that not all countries are updated every year. The following are countries that have not been updated in this year's cycle, but that Humanists International continues to monitor closely.

Afghanistan

| Const/Govt | Edu/Child | Society/Comm | Expression |
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Historically, Afghanistan was religiously diverse, but the vast majority of non-Muslims fled after the Taliban consolidated control of the government in 1996. As a result, current estimates suggest that 99.7% of the country are Muslims—the majority of whom are Sunni. A small proportion, estimated to be less than 1%, are followers of other religions, such as Hindus, Sikhs, Bahá'ís, Christians, Buddhists, and Zoroastrians. There are no estimates available for the number of non-religious or humanist individuals; those living in the country live in secrecy for fear of direct persecution.

On 15 August 2021, the Taliban took over Afghanistan following the withdrawal of peacekeeping troops from the country. The de facto government quickly moved to re-establish the Islamic Emirate of Afghanistan and

re-assert the primacy—and strict application—of Sharia Law in the country.

Since the takeover, the Taliban have reportedly summarily executed local government officials and state security personnel, as well as raided the homes of government officials, journalists and human rights defenders. In addition, women's rights have been significantly restricted.

Owing to the high volume of requests that the organization receives from non-religious and humanist individuals seeking to flee Afghanistan, Humanists International continues to monitor developments closely.

Brazil

| Const/Govt | Edu/Child | Society/Comm | Expression |
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The Federative Republic of Brazil is a secular and democratic sovereign state in South America with a population of around 202 million. Aside from having the world's largest Catholic population (126 million people, or 64.6% of the population), Brazil also appears as one of the top ten most religious countries in the world. According to the 2012 Gallup Global Index of Religiosity and Atheism, 85% of Brazilians describe themselves as religious.

The election of Jair Bolsonaro in October 2018 highlighted the role of religion in Brazilian politics.

Throughout his election campaign, Bolsonaro presented himself as the defender of traditional Christian moral values with the slogan "Brazil above everything, God above everyone." His election has ensured that Brazil is governed by a Christian-extreme-right authoritarian agenda that aims to hegemonize Brazilian politics. Jair Bolsonaro offers an ultra-conservative agenda, his speeches filled with openly and harsh misogynistic, racist, anti-LGBTI+ and anti-democratic views. In light of forthcoming elections, in which Bolsonaro is running for re-election, Humanists International continues to monitor the country closely.

Ghana

| Const/Govt | Edu/Child | Society/Comm | Expression |
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Approximately 71% of the population is Christian, 18% Muslim, 5% adheres to indigenous or animistic religious beliefs. Humanists and atheists in Ghana are a small minority. Many atheists in Ghana are afraid to openly express their beliefs due to fear of persecution. However, the profile of humanism is slowly growing thanks to the work of a group of outspoken atheists,

freethinkers and skeptics who form the Humanists Association of Ghana.

Ghana has a reputation as one of the most democratic countries in Africa. Whilst generally speaking, civil society organizations can operate freely, this does not include LGBTI+ activists and organizations, who are frequently harassed and intimidated. Anti-LGBTI+

hate crime and societal discrimination is prevalent and is widely condoned by the media, public officials and religious figures.

There is concern about the role of Christian anti-rights actors in the country and their impact on non-discrimination on the grounds of sexual orientation and gender identity. The United States-based World Congress of Families (WCF), whose leaders have advanced anti-LGBTI+ laws and policies around the world, held its regional conference in Accra in 2019.

The WCF says its Ghana agenda involves positioning Africa as an active advocate within the global pro-family movement.

In August 2021 a draft bill, officially called the ‘Proper Human Sexual Rights and Ghanaian Family Values Bill’ 2021, was introduced to Parliament by a coalition of MPs. The bill seeks to impose a penalty of up to five years’ imprisonment for being LGBTI+ and a penalty of up to ten years’ imprisonment for anyone who engages in advocacy or promotion for LGBTI+ equality.

Iran

| Const/Govt | Edu/Child | Society/Comm | Expression |
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The right to freedom of religion or belief, and the freedoms of expression, association and assembly in the Islamic Republic of Iran are all severely restricted. Iranian law bars any criticism of Islam or deviation from the ruling Islamic standards.

While the Iranian Constitution does not itself include any provision criminalizing apostasy, there are several legal provisions that give judges the discretion to find defendants guilty of apostasy.

The government periodically jails and executes dozens of individuals on charges of “enmity against God” (moharebeh). Although this crime is framed as a religious offense, and may be used against humanists and other religious dissenters, it is most often used as a punishment for political acts that challenge the regime (on the basis that to oppose the theocratic regime is to oppose Allah). Iranian writer and human rights

defender, Golrokh Ebrahimi Iraee, and blogger Soheil Arabi, are two individuals who have been imprisoned for long periods on these grounds.

The Baha’i faith is not recognized and is routinely described by authorities as a heretical variant on Islam. Its members face immense discrimination.

In September 2022, at the time of writing, large-scale protests have erupted in Iran, in response to the murder in custody of a 22-year-old Kurdish-Iranian woman, Mahsa Amini, who had been arrested, detained and tortured by Iran’s “morality police” for wearing her hijab “improperly”. Many human rights defenders, including women, are protesting the increasingly hardline position taken by Iran’s president, Ebrahim Raisi, and the strict enforcement of Islamic laws. Iran has responded by violently suppressing protests, including with the use of live ammunition.

Libya

| Const/Govt | Edu/Child | Society/Comm | Expression |
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Libya has been in the grip of an ongoing civil war since Nato-backed forces overthrew Muammar Gaddafi in October 2011. Since mid-2014, political power has mainly been split between two rival governments in Tripoli and in Tobruk. The Tripoli government is the internationally recognized government, known as the Government of National Accord, and controls parts of the country’s western territory. The Tobruk administration, consisting of members of parliament elected in 2014, is the House of Representatives.

Humanists International is deeply concerned by reports that several members of the Tanweer Movement have been arrested by authorities in Libya. Members of the movement have indicated that the arrests are part of a campaign of harassment that began in November last year. Owing to safety concerns, the organization ceased operations for several months over the course of 2022.

Nigeria

| Const/Govt | Edu/Child | Society/Comm | Expression |
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In Nigeria, approximately half of the population are Muslim, some 40% are Christian, and roughly 10% are of traditional indigenous religions or no religion. While the Constitution guarantees religious freedom, the state endorses numerous anti-secular and theocratic policies. The country's parallel legal systems mean that, depending on one's religion, one can be subjected to significantly different penalties for crimes, such as "blasphemy".

In April 2022, President of the Humanist Association of Nigeria, Mubarak Bala, was sentenced to an unprecedented 24-years in prison after being convicted of 'conducting himself in a manner likely to cause breach of public peace' in connection with a series of Facebook posts that some deemed "blasphemous". Bala's case has been mired by successive violations of his fundamental rights.

Over the course of 2022, ethnic and religious tensions continued to run high throughout the country, leading to grievous acts of violence and insecurity, among them: the killing of Deborah Samuel in Sokoto after she was accused of "blasphemy"; an attack on a Church in Ondo State resulting in the deaths of 40 people; the murder of Ahmad Usman in Abuja, after he was accused of "blasphemy"; the killing of at least 15 people in an attack on a mosque in Zamfara State. Statistics released by Nigerian group, Muslim Rights Concern (MURIC), estimate that 32,000 Muslims have been killed by terrorists in the past three years.

In light of the violence, religion and belief minorities are often overlooked in interfaith dialogues on freedom of religion or belief, and as such their concerns are often not addressed.

Qatar

| Const/Govt | Edu/Child | Society/Comm | Expression |
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Islam is the state religion of Qatar, and Sharia is designated as the main source for legislation. The only officially recognized religions are Islam, Christianity, and Judaism.

While Qatar is one of the wealthiest countries in the world, it is also one of the most repressive, particularly for women and girls, LGBTI+people, non-Qatari nationals, and other minorities. Women are discriminated against under personal status and family laws, and the discriminatory male guardianship system limits their choices in fundamental ways.

Qatar has strict control over the religious affairs in the country. Charges for crimes such as alcohol consumption or extramarital sex carry Sharia punishments, that in some cases call for flogging.

Leaving Islam remains is a capital offense punishable by death in Qatar (though no punishment has been recorded since 1971). Qatar also explicitly criminalizes the act of "opposing or doubting the tenets of Islam" in an attempt to limit critical thinking.

Qatar has sought to improve its image internationally through participating in sports and cultural events, including hosting the 2022 World Cup. Rights groups are concerned, however, about the World Cup being used to mask criticisms of Qatar's oppressive environment for human rights and labor rights. In 2021, an activist and former migrant worker who spoke out about migrant workers' conditions in Qatar was forcibly disappeared and has since fled the country.

Russia

| Const/Govt | Edu/Child | Society/Comm | Expression |
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Over the past many years under the renewed Putin regime, the country has continued to decline in its human rights standards and failures to uphold democracy and provide accountability. Today, Russia is more repressive than it has ever been in the post-Soviet era. The authorities crack down on critical media, harass peaceful protesters, engage in smear campaigns against independent groups, and use a variety of nefarious means to undermine democratic choice in the country.

The role of clericalism as an aspect of social control is expanding, with authorities continuing to target “nontraditional” religious minorities with fines, detentions, and criminal charges under the pretext of combating extremism.

Since its reprisal at the domestic level, the Russian Orthodox Church has become a major figure in shaping

Russia’s foreign policy, especially in relation to social issues. Through the Russian state, the Orthodox Church has pushed its anti-rights agenda at the United Nations Human Rights Council and elsewhere.

On 24 February 2022, Russia invaded Ukraine, an act which went contrary to all standards of international law, and has caused an escalating humanitarian crisis, gross and systematic human rights abuses on a massive scale, and has led to apparent war crimes in some areas. The head of the Russian Orthodox Church, Patriarch Kirill, has offered moral backing to the Russian invasion of Ukraine. He has incited religious propaganda to legitimize Russian aggression, and has claimed the war is necessary to defend Russian “traditional values” from “harmful gender and LGBTI+ ideology”.

Saudi Arabia

| Const/Govt | Edu/Child | Society/Comm | Expression |
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The Kingdom of Saudi Arabia is an Islamic state governed by an absolute monarchy in tandem with a powerful religious elite.

Under the rule of Crown Prince Mohammad bin Salman, the regime has claimed to be making improvements in terms of respecting civil liberties and human rights; however, most improvements have been minimal, and a highly restrictive regime persists. In 2017 the Crown Prince pledged reforms including to lift the ban on women driving, however many human rights campaigners and prisoners of conscience remain imprisoned years later, with sporadic fresh crackdowns on those considered dissidents or troublemakers, including peaceful protesters and activists for political reform and freedom of expression. Women still need permission from their “guardian” (usually father or husband) to obtain a passport.

The situation for humanists, the non-religious, progressives and other dissidents in the country is dire. Most forms of public religious expression must be consistent with the government’s fundamentalist

brand of Sunni Islam. An anti-terror law continues to suppress many forms of criticism or dissent in extremely broad terms, and is actively intended to prosecute political dissent and religion or belief minorities. Prosecutions for apostasy or promoting atheism have been made in recent years, with individuals facing possible death sentences and serving long jail terms.

Humanists International closely monitors and advocates on behalf of several cases of individuals in prison. In 2022, in a rare demonstration of leniency, Saudi Arabian writer and human rights activist Raif Badawi was released from prison following the expiry of his sentence. Like many other activists, he remains subject to a lengthy travel ban.

United Kingdom

| Const/Govt | Edu/Child | Society/Comm | Expression |
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The UK has an established state Church, which gives rise to religious privileges and legal exemptions. Bishops, approved by the hereditary monarch, sit as legislators in the House of Lords.

The country has seen some significant political change in recent years; a referendum vote in 2016 to “leave the European Union” was widely regarded as having exposed social divisions and as creating political and economic uncertainty, and the country has had four Prime ministers governing it since that vote. There has been discussion of opting out of parts of the European Convention on Human Rights and reforming its Human Rights Act.

After the UK hosted an international Ministerial on the right to Freedom of Religion or Belief (FoRB), in which it

had some prominent anti-rights speakers as panelists, an agreed multinational statement on Gender and FoRB published on the Government’s Foreign Office website was removed and re-uploaded after the deletion of all references to ‘sexual and reproductive health and rights’ and ‘bodily autonomy’. The number of countries signing it dropped from 22 to 8. This led to protests from a number of other countries who had worked on the initial drafting of the statement, both about the substance of the change and about the fact that what was a multilateral statement had been changed unilaterally by one country.

United States of America

| Const/Govt | Edu/Child | Society/Comm | Expression |
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The United States receives a relatively good rating in this Report, as a consequence of the nation’s strong constitutional protections in favor of freedom of thought, religion or belief and freedom of expression, which are usually upheld in practice. There is also a deep-rooted cultural emphasis on individual freedom.

However, those very freedoms, and openness to challenge, debate and due process—combined with the sometimes also very strong, deeply-rooted Christian conservatism of some U.S citizens and a powerful and wealthy Christian right lobby—means that secular, humanist and civil liberties groups find themselves facing a battle to preserve the inherent secularism of the constitution and standards of non-discrimination, for example on the grounds of gender or sexual orientation, in the face of arguments grounded in spurious “religious freedom” and conscience claims.

Whilst this specific threat to secularism, equality, and non-discrimination from Christian conservatives is a constant phenomenon in the country, they gained a greater foothold of influence under the Presidency of Donald Trump, with one of the most significant and egregious results being the Supreme Court decision this year overturning the constitutional right to abortion. There is concern going forward that this decision was the first of many. At the time of the Court’s ruling, Justice Clarence Thomas explicitly wrote in a concurring opinion that rulings establishing rights to contraception, same-sex marriage, and same-sex relationships should be reconsidered; he made clear that civil and human rights understood as established and fundamental are in fact under grave threat.

Key Countries Edition

This “Key Countries Edition” of the Freedom of Thought Report contains some of the entries which have been updated this year. These country chapters are a sample only. The full report is available in the Online Edition via the website at fot.humanists.international where every country in the world is featured with its own webpage and interactive ratings table.

Barbados

| Const/Govt | Edu/Child | Society/Comm | Expression |
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A sovereign island country in the Lesser Antilles, Barbados is a parliamentary democracy with an estimated population of 269,809 at the end of 2021. According to the Barbados Statistical Service, the population is shrinking with the death rate continuously exceeding the birth rate since 2016.¹ The population is predominantly Christian (76%), with other religious groups together constituting less than 3% of the

population, including Muslims, Jews, Rastafarians, Hindus, Buddhists, and Baha'is. Approximately 21% of the population do not identify a religious affiliation.²

In November 2021, Barbados adopted a republican form of government. There is a non-executive head of state who is appointed by parliament.

| Constitution and government | Education and children's rights | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
|---|---|---|---|
| | | Systemic religious privilege results in significant social discrimination | |
| | | There is significant social marginalisation of the non-religious or stigma associated with expressing atheism, humanism or secularism | Blasphemy or criticism of religion is restricted in law and is punishable by a fine |
| Official symbolic deference to religion | State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional | | |

Constitution and government

While the government is in practice highly secular, symbolic trappings of state religion remain. The preamble to the Constitution proclaims that the people of Barbados "acknowledge the supremacy of God" along with "the dignity of the human person, their unshakeable faith in fundamental human rights and freedoms and the position of the family in a society of free men and free institutions."

The Constitution³ and other laws and policies protect freedom of thought, conscience and religion, as well as freedom of opinion and expression.

Specifically, Article 19 enshrines the freedom of conscience, which includes "freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and

observance."

Barbados has no state religion. The Parliament of Barbados passed the Anglican Church Act in 1969,⁴ which disestablished and removed state funding from the Church of England, following independence from the United Kingdom in 1966.

There is no requirement for religious groups to register with the government, but they must do so if they wish to seek tax relief.⁵ However notably, the Sacramental Cannabis Act⁶ requires Rastafarians to have a registered place of worship to use cannabis, during their religious practices.

The Constitution is in the process of being reformed, with the engagement of the public at large and Non-Governmental Organizations.

Education and children's rights

Article 19 (4) states that, "[e]xcept with his own consent (or, if he is a person who has not attained the age of twenty-one years, the consent of his guardian), no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion which is not his own."

Under Article 19(2) of the Constitution, "[e]very religious community shall be entitled, at its own expense, to establish and maintain places of education and to manage any place of education which it wholly maintains." As such, religious private schools in Barbados provide 'religious instruction' and benefit from government funding only to the extent that they admit pupils who cannot find places in public schools.

Religious education in state-run schools is generally of a high quality and falls under part of the statutory curriculum on 'Values Education'. Primary school pupils are required to learn about Christianity, while secondary school pupils must learn about all world religions.⁷

In 2017, the UN Committee on the Elimination of Discrimination against Women noted with concern the lack of age-appropriate and comprehensive education on sexual and reproductive health and rights, including on responsible sexual behaviour, as well as the lack of family planning services and the high level of unmet contraception needs among women and girls.⁸

Family, community and society

Religious discrimination

Several measures discriminatory against religious minority groups were addressed over the course of 2020. In November 2020, the government decriminalized cultivation, personal use, and possession of small amounts of marijuana for religious reasons, a step that was welcomed by Rastafarian community leaders. In October 2020, the government approved an exemption for Muslims and Rastafarians to wear head coverings in official photographs.⁹

However, anecdotally, negative attitudes towards non-religious people are found at large in Barbadian society, particularly among the older generations.

During the process of Barbados becoming a Republic, the wider public and Non-Governmental Organizations were asked to submit recommendations for a new Charter¹⁰ that would inform the new Constitution. The President of Humanists Barbados, Maachelle Farley, called for a sharp shift away from centuries of religious principles and dogma characteristic of colonialism as

the country prepares to transition from a Constitutional Monarchy to a Parliamentary Republic. Among the suggestions made by Humanists Barbados was the removal of all references to God in the local law books, the removal of blasphemy as an offense and the removal of all forms of prayer in public schools. She said "Barbados has a secular Government and is home to diverse religious and non-religious populations. So using the term 'God' is divisive as it begs the question as to which religion is being referred to."

The assertion was met by strong feedback from religious leaders¹¹ such as Barbados Evangelical Association (BEA) Vice President Dr Winston Clarke who noted: "Increasing secularism has been, to some extent, responsible for the decadence in our society. It is the voices of the secularists which have been loudest in relatively recent times. Secularism prevents the values which assist in the reinforcement of many of our social norms, dulls the conscience of some persons, increases a sense of hopelessness in challenging circumstances and points to the depravity of humanity."

The Secretary of the Muslim Association of Barbados stated: "There is no need to remove any reference to God in our local law books or to remove prayers from our schools. In fact, there should be a greater thrust at bringing more spirituality into our society and anchoring citizens to faith, beliefs, and spiritual moorings."

Humanists in Barbados were also said to be "undermining the moral fabric of the country" and "covertly operating and influencing individuals" by founder of Mount Zion's Missions Inc Barbados, Rev Dr Lucille Baird.

Reproductive rights and women's rights

Since 1983, abortion has been legal subject to the approval of 2-3 physicians, provided it is to preserve a woman's physical or mental health. The legislation is largely patterned on the UK's 1967 Abortion Act and is interpreted permissively.

In 2014, Barbados was reported to have one of the lowest maternal mortality rates in the region, reflecting the success of its abortion law.¹² According to the World Bank, in 2015 Barbados recorded one maternal death, and had a ratio of 27 deaths per 100,000 live births.¹³

LGBTI+ rights

During the development process of the new Charter of Barbados, sexual and gender minorities have been given hope of having a clear, equal status in the Constitution, with the inclusion of sex, gender and sexual orientation. The section of the Charter states "All Barbadians

are born free and equal in human dignity and rights regardless of Age, Race, Ethnicity, Faith, Class, Cultural and Educational Background, Ability, Sex, Gender or Sexual Orientation.”¹⁴

Despite harsh criminal laws still in place for LGBTI+ Barbadians, Barbadians tend to pride themselves on being more tolerant of LGBTI+ people than many neighboring islands. Bridgetown, the capital, held its first gay pride event in 2018, attended by 120 people,¹⁵ and a ‘pro-LGBTI+’ Prime Minister was elected that year.¹⁶ A 2016 poll by CADRES found that 67% of Barbadians described themselves as ‘tolerant’ of LGBTI+ people with 82% of the public opposing discrimination against gay people.¹⁷

Same-sex couples cannot legally adopt in Barbados and surrogacy is illegal for both opposite-sex and same-sex couples. However, no law forbids lesbian couples from receiving IVF treatment or receiving artificial insemination to become pregnant.¹⁸

Employment rights

In July 2020, the Barbados House of Assembly passed the Employment (Protection from Discrimination) Bill, which explicitly forbids employment discrimination on the basis of sex, sexual orientation, marital status and domestic partnership status, among other grounds. There was no inclusion of gender identity or gender expression, and Barbadian trans advocate Alexa D.V. Hoffmann noted that “although noble in name, this piece of legislation actually entrenched the exclusion of trans people.”¹⁹ Hoffman was terminated by a law firm for whom she worked for three years because she legally changed her name to match her gender identity. Hoffman challenged the termination by filing her case with the Employment Rights Tribunal in 2019,²⁰ however the case has not yet been heard by the tribunal due to an extensive backlog of cases.

Buggery law

Anti-sodomy or ‘buggery’ laws, inherited from the British Empire, were never repealed in Barbados, making homosexuality illegal, with a possible punishment of life imprisonment. In practice the law is not enforced, but it has led to a number of other issues, including a historic lack of anti-discrimination laws and hate crime protections, which mean that LGBTI+ people in Barbados can feel relatively unsafe to live openly or show affection to their partners in public.

In 2001, then-Attorney General Mia Mottley commissioned a study of HIV infection rates in Barbados, which concluded that it was crucial for Barbados to repeal its anti-sodomy laws to address

the public health impact of HIV/AIDS. However, public opinion and opposition in Parliament prevented further action. In 2018 however, Mia Mottley became Prime Minister with a historic 100% of seats in Parliament, stoking hopes among LGBTI+ rights activists that she may decriminalize homosexuality.²¹

Commentators have suggested that forthcoming legislation on same-sex unions announced in 2020 could be used to repeal Barbados’ anti-sodomy laws.²²

Hate crime

Anecdotally, hate crimes motivated by homophobia are relatively commonplace, but (also owing to the buggery law) there are no official statistics recording violence against LGBTI+ people.

In 2011, the Government of Barbados was investigating claims of gay Barbadians seeking refugee status in Canada, the United Kingdom, and the United States because of domestic persecution. Over 300 gay Barbadians were reported as seeking refugee status abroad in 2016.²³

There are numerous case studies in the media of attacks on gay and trans activists, including a high-profile case in 2018 concerning an attack on a trans activist with a meat cleaver.²⁴

Same-sex marriage

There is currently no statutory recognition of same-sex relationships in Barbados.

In 2017, the Inter-American Court of Human Rights issued an advisory opinion at the request of the government of Costa Rica that set a precedent for courts in Latin American and Caribbean countries, including Barbados, to recognise same-sex marriage on human rights grounds as signatories of the American Convention on Human Rights.²⁵

In 2020, the Governor General of Barbados announced that the Government would be bringing forward legislation on same-sex civil unions, as well as a binding referendum on marriage rights for same-sex couples, in recognition of citizens’ equal rights and a concern about Barbados “increasingly finding itself on international lists... which identify the country as having a poor human rights record.”²⁶

“Freedom of expression, advocacy of humanist values”

Freedom of expression is generally respected, and the

media is free of censorship and government control. Access to the internet is not restricted.

Blasphemy law

'Blasphemy' remains a crime in the forms of laws against 'blasphemous libel'. These laws originated in English common law and later became part of the Barbadian statute.

The law is unenforced.

Highlighted cases

On 16 November 2021, Humanists Barbados joined fellow Humanists International Member Organizations in hosting a launch event of the 2021 Key Countries Edition of the Freedom of Thought Report. The organization's President, Maachelle Farley, reported that Members had faced criticism and harassment as a result.²⁷ Reflecting on the experience, Farley stated:

"All of a sudden, my character and morals were brought into question, words like "Satan", "fool" and "devil" were used to describe us. We were referred to as "immoral godless Humanists" who were "undermining the moral fabric of our country." Some people even said all humanists should just leave the island because Barbados was a Christian nation and we as humanists didn't belong here; and might infect the entire nation.

Did I expect this response? Was I prepared to feel misunderstood, alienated and "non-barbadian"? Yes, to some extent I had been preparing myself, but preparation and reality are quite different. Suddenly a trip to the supermarket or bank was riddled with anxiety as I battled with the possibility of people seeing me differently as a person altogether. I felt as if my job, family relationships and friendships were in jeopardy; it was an extremely emotional testing time.

Thankfully, on the other side of vilification and trolling, there were calls from strangers who said "I am so glad you spoke out about this", "I've wanted to raise these issues but I hadn't had the courage" or "I've felt so alone in this, how can I join the humanist community?". I also got calls from friends with strong religious beliefs who said they were proud of my strength and bravery to step out and set such an unpopular light post on a hill. These were [people] who did not see the world the way I did, but they connected with the need for our Human Rights stance, the importance of separation of State and Religion and the importance of Freedom of Religion or Belief for everyone, not just religious persons. I also received immense support and encouragement from my local humanist community, from members of Humanists International and humanists around the world.

In all of this I was reminded that what Humanists

Barbados is doing is absolutely important, and absolutely necessary for our country as we make our way forward as a new Republic. I keep asking myself, what kind of Barbados I want to live in, [and] what kind of Barbados I want to leave for future generations[?] The answer to those questions is as crystal clear as the beautiful ocean waters I enjoy every week. The answer is simple, "A Barbados for everyone."

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France

| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|
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In France, the dominant religion is Catholicism but the state is strongly secular. Freedom of religion or belief is supported but its importance is secondary to the freedom and rights of all citizens and public order and morality. France suffered two terrorist attacks in 2015: first in January, against the offices of satirical magazine

Charlie Hebdo supposedly in response to the magazine “insulting Islam,” and a Jewish supermarket; second in November, with coordinated attacks by ISIS against indiscriminate targets across Paris.

| Constitution and government | Education and children’s rights | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
|--|---------------------------------------|---|--|
| Anomalous discrimination by local or provincial authorities, or overseas territories | No formal discrimination in education | No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state | Some concerns about political or media freedoms, not specific to the non-religious |

Constitution and government

The French Constitution¹ was adopted in 1958 declaring France a secular state and guaranteeing religious freedom and equality. Article 1 states,

“France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs.”

The Constitution and other laws, including the 1905 “Law on the Separation of the Churches and the State,”² ensure state secularism (*laïcité*) and protect freedom of religion or belief. The Constitution also guarantees the rights to freedom of expression, association and assembly, and the government generally respects these rights in practice. As the guarantor of freedom of religion or belief, the state must ensure that everyone can practice their religion.³

The French secular state maintains relations with religious institutions. Within the Ministry of the Interior, the central office for religions is responsible for relations with religious authorities. The government maintains a dialogue with the relevant representatives to ensure that religious practices are undertaken in accordance with Republican laws. For instance, religious

authorities were consulted during the COVID-19 crisis to define the health protocol in places of worship.⁴ The Inter-ministerial Committee on Secularism, under the direction of the French Prime Minister, also ensures the application of secularism through analyses, research, and recommendations. The President of the Republic habitually presents his or her wishes to the religious authorities each year.⁵

However, a 2020 bill “strengthening the respect for the principles of the Republic,”⁶ has faced criticism and has been denounced by civil society organizations and religious leaders as rolling back the rights to freedom of worship and freedom of opinion.⁷ Purportedly aimed at reducing radical Islamism and separatism in France, the bill imposes more control on the neutrality of public services, the transparency of organizations and their financing, and other issues such as homeschooling or polygamy.⁸ However, some of the principles included in the bill are argued to leave too much room for interpretation and risk “undermining fundamental freedoms such as freedom of worship, association, education, and even freedom of opinion,” according to the President of the Conference of Bishops of France, the President of the Protestant Federation of France, and the President of the Assembly of Orthodox Bishops of France.⁹

Local exceptions

There are some exceptions to the policy of strict secularism. Notably, the law of 1905 does not completely apply to all French regions and territories.¹⁰ Because the regions of Alsace and Lorraine (now known as Alsace-Moselle) were part of the German Empire during the passage of the 1905 law, members of Catholic, Lutheran, Calvinist, and Jewish groups there may choose to allocate a portion of their income tax to their religious group. Local governments may also provide financial support for building religious edifices.

The French Overseas Departments and Territories, which include island territories in the Atlantic, Caribbean, Pacific, and Indian oceans, are also not subject to the 1905 law and may provide funding for religious groups within their territories.¹¹ French Guiana, which is governed under the colonial laws of Charles X, may provide subsidies to the Catholic Church.¹²

The French government maintains all the Roman Catholic churches built before 1905, however they are under the ownership of the French government. No other religious buildings are maintained in this way.

Use of religious symbols

In accordance with the principle of state secularism, civil servants are prohibited from displaying religious symbols in the exercise of their profession. Although sparking many debates amongst French politics, neutrality has not been imposed for civilians using public services, but the full veil – niqab – has been prohibited in public spaces since 2010.¹³ In 2019, French senators also adopted a bill forbidding the wearing of religious symbols by parents accompanying school trips.¹⁴

Education & Children's rights

Free and secular education is guaranteed by the French Constitution. The preamble to the French Constitution specifies that “the organization of free and secular compulsory public education at all levels is a duty of the State.” Public education must respect the principle of neutrality; staff cannot display religious characteristics in the exercise of their function, there is no religious instruction, and proselytism is strictly prohibited. Religious education has been part of the school curriculum since 1986, but is provided within the framework of existing school subjects that teach “the key elements of the history of ideas, religious facts and conviction.” However, in line with the freedom of conscience, public education has the duty to respect and protect the free exercise by students of their religious obligations.¹⁵

Private schools are authorized in France, but remain regulated by the State.¹⁶ Amongst the 12,500 private establishments in France schooling 2 million children, more than 80% are state-subsidized. To receive state funding, they have to welcome children without distinction of origin, opinion or belief and provide education in accordance with the rules and programs of public education.¹⁷ They can provide religious education in addition to the national curriculum, but it must remain optional for children. Private schools without state contract are free to choose their curriculum, but are under the control of the government for health and safety issues, respect for public morals and teachers' diplomas.¹⁸

Family, community and society

Some religious restrictions

In 2010, France banned the wearing of the face-veil (niqab) in public, along with other face coverings, explained in terms of maintaining social cohesion and disempowering potential terrorists.¹⁹ In July 2014, the European Court of Human Rights ruled that it was within the margin of freedom under European human rights legislation.²⁰ The ruling was widely condemned by human rights monitors.²¹ The French government has also prohibited or limited the activities of religious groups considered to be cults, such as Scientology and Jehovah's Witnesses.²²

Discrimination and violence against religious minorities, particularly Muslims, is a persistent phenomenon in France and has increased in the recent years, notably after the 2015 terrorist attacks and the during the COVID-19 pandemic.²³ In a survey published in 2019, 40% of French Muslims testified to having experienced racist behavior in the past five years.²⁴ A 2022 study conducted by the Institut français d'opinion publique (IFOP) also revealed that “68% of French people of Jewish faith or culture say that they have already been teased and harassed and 20% say they have been victims of physical aggression at least once in their life.”²⁵

Freedom of expression, advocacy of humanist values

Freedom of expression is guaranteed under the French Constitution, but journalists have recently been victims of police violence during protests, including injuries by rubber bullets and tear gas canisters, while others have had their equipment taken.²⁶

Freedom of press and media independence are also threatened by the vertical concentration of information, as a group of 10 billionaires controls 81% of the circulation of national dailies, 95 % of that of generalist

national weeklies, 57% audience share in TV and 47% audience share in radio.²⁷

Freedom of assembly

The right of peaceful assembly is guaranteed by law in France. Any assembly must have been authorized by public authorities at least 48 hours in advance, requiring organizers to give their contact details and the information about the assembly. Since the “Gilets Jaunes” protests in 2018/19 and the unusual violence from the protesters and the police, the right of assembly has become a sensitive topic in France. The Law Enforcement Commission of Enquiry has released its recommendations on protest policing, including the prohibition of the use of rubber bullets.²⁸ To increase the efficiency of protest policing, the French government attempted to pass a law forbidding the public diffusion of images of the police in 2020. After the controversial text sparked numerous protests across France, the government modified the law, and the reformed version was voted in 2021.²⁹ Notably, the strict restrictions during the COVID-19 crisis have sparked renewed criticism of restrictions placed on freedom of assembly, as only religious organizations were allowed to gather.³⁰

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Hungary

| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|
| | | | |

Hungary is often said to be pulled culturally, socially and politically between “East” and “West.” Hungary’s modern constitutional parliamentary democracy was introduced in 1989, following a long history of varying authoritarian regimes including 40 years of communist dictatorship. In the first 20 years, democratic institutions were set up and improved gradually with the country trying to catch up with European democracies, and Hungary joined the European Union in 2004. Since 2010 however, Hungary has undergone an authoritarian, nationalistic turn.

According to the most recent census (2011),¹ the majority of Hungarians ascribe to Christianity; 39% of the population are Catholic, the majority of whom are Roman Catholic, Greek Catholics account for 5% of the total Catholic population. A longitudinal review of the data suggests that the predominance of Catholicism is declining over time. Other Christian denominations

include Calvinist (12%), Lutheran (2%), and Orthodox Christian (less than 1%). The non-religious represent the second largest belief group among the population, accounting for 18%. There are small populations of other groups, such as Jewish (less than 1%). However, it should be acknowledged that 27% of the population declined to answer the question.

This country is found to be declining, with retrograde, anti-democratic reforms implemented under an authoritarian, nationalistic government since 2010, accused of borrowing some policies from the “far-right.” There is a trend toward a systematic desecularization of the state, giving religious privileges to certain churches, and increasing governmental control over a significant part of the media.²

| Constitution and government | Education and children’s rights | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
|-----------------------------|---------------------------------|---|---|
| | | Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious | |
| | | The dominant influence of religion in public life undermines the right to equality and/or non-discrimination | Expression of core humanist principles on democracy, freedom or human rights is severely restricted |
| | | Systemic religious privilege results in significant social discrimination | |
| | | Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views | |

| | | | |
|---|---|--|--|
| <p>There is systematic religious privilege</p> <p>There is a religious tax or tithing which is compulsory, or which is state-administered and discriminates by precluding non-religious groups</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p> | <p>There is state funding of at least some religious schools</p> <p>Religious schools have powers to discriminate in admissions or employment</p> <p>Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</p> | <p>Religious groups control some public or social services</p> | |
| <p>Official symbolic deference to religion</p> | | | <p>Some concerns about political or media freedoms, not specific to the non-religious</p> <p>Concerns that secular or religious authorities interfere in specifically religious freedoms</p> |

Constitution and government

Toward an “illiberal” state

The populist, nationalist Fidesz party, under Prime Minister Viktor Orbán, has made conscious and explicit efforts to remodel Hungary as an “illiberal democracy,” moving towards a more authoritarian state, where democracy and the rule of law are mere formalities.³ Orbán said in 2014, “I don’t think that our European Union membership precludes us from building an illiberal new state based on national foundations”.⁴

Since 2010, Fidesz has been formally in coalition with the Christian Democratic People’s Party (KDNP), though in reality the KDNP’s support was below 1% when it was last measured independently. Due to an election system that heavily favors the winner of the election, the Fidesz-led coalition has dominated the Hungarian Parliament, using their majority to replace the constitution with a Fundamental Law⁵ (which came into force 1 January 2012), and to adopt a wide range of measures undermining the separation of powers, as well as the separation of church and state, the protection of human rights, accountability and the rule of law.⁶

The government refuses to ratify the Istanbul Convention because it promotes “destructive gender ideologies” and “illegal migration.”⁷ Hungary rarely grants asylum, and in the asylum process Christians

receive special treatment.⁸ A separate state secretary post is dedicated to the “Aid for persecuted Christians.”

The operations of the government have, in general, become less transparent, including regarding the distribution of state funds. Dialogue between the government and different social groups has become virtually non-existent or a mere formality. In addition, serious efforts have been made by the government to control mass communication.⁹

Toward a religious state?

Freedom of, and from, religion including equality have been granted since 1895.¹⁰ Freedom of religion and conscience is enshrined in Art. VII of the Hungarian Fundamental Law,¹¹ and Act CXXV of 2003¹² forbids any discrimination on religious grounds.

In reality, however, the government systematically gives preference to conservative Christian and faith-based life-stances over secular approaches to policy, contrary to the diverse beliefs held by Hungarian citizens.

The Fundamental Law¹³ provides for freedom of conscience and religion, including freedom to choose or change religion or belief and freedom, separates church and state and stipulates that churches are autonomous, but also obliges the state to cooperate with and grant privileges to so-called “established” churches (Art. VII.

(4)). The preamble (“National Avowal”) expresses pride that the nation’s first king, Saint Stephen, “made our country a part of Christian Europe,” and praises “the role of Christianity in preserving nationhood.” Article R(4) of the chapter “Foundation” states that, “The protection of the constitutional identity and Christian culture of Hungary shall be an obligation of every organ of the State,” and the whole text starts with the invocation “God bless the Hungarians.”

Since the fall of the communist one-party state in 1989, any religious community has been free to set up a legal entity. In 1997, the socialist government under Gyula Horn, signed a Concordat with the Vatican granting the Catholic Church various privileges, which were subsequently extended to other denominations (but not to non-religious organizations). In 2011, a new Church law¹⁴ stripped more than 300 religious groups and organizations of their legal status and privileges overnight. However, in 2018, following judgments by Hungary’s Constitutional Court¹⁵ and the European Court on Human Rights,¹⁶ the Hungarian government was forced to amend this law.

In its present version, the law introduces a four-tiered classification system in which religious groups can be registered as:

- A “Religious Association” where they are “Natural persons sharing the same principles of faith [...] for the purpose of practicing their religion to perform religious activities;”
- A “listed Church” if at least 1,000 people elect to donate 1% of their income tax as per the law, and if they have been in operation in Hungary for at least five years (or are part of an international church that has been operating for 100 years);
- A “Registered Church” if they have at least 4,000 adherents who choose to donate 1% of their income tax and have been operating for 20 years (or are part of an international church that has been operating for 100 years);
- “Established Church” if they are a “Registered Church” that the State has concluded a “comprehensive agreement to cooperate in promoting community objectives.”

While the criteria for “listed” and “registered” churches are objective, registration as an “established” church is clearly subject to the discretion of the government as to whether it chooses to enter into a “comprehensive agreement.” Secular worldview organizations as well as NGOs that operate without a religious background are not eligible for the prerogatives given to any class of Church under the law.

Although the state is officially secular, considerable government support is given for religious activities, particularly to the “established churches” (of which there were, as of 2021, 27: 20 Christian; three Jewish; one Mormon; one Krishna; one Buddhist; and, one Muslim umbrella organization).¹⁷ As religious associations are exempt from the transparency requirements that non-religious organizations are subject to, and since the government, ministries and local governments provide resources also via various funding schemes and ad hoc decrees, it is virtually impossible to assess the amount of taxpayers’ money that ends up being used for the promotion of certain religious views.

Established churches receive an annuity for real estate that was nationalized around 1950 by the newly established people’s republic and not returned after 1989. According to the Hungarian Atheist Association, the annuity amounted to more than 20 billion forint (approx. US\$ 635 million) for 2021. A further 14.5 billion forint (approx. US\$ 46 million) of the state budget was dedicated to ecclesiastical purposes.¹⁸ Registered and established churches, and their employees, are also exempt from certain taxes and social security payments.

There is a sense in which the Christianization of the state may well be regarded as a veneer for nationalism and authoritarianism generally. The convergence of church and state was initiated and maintained by the Orbán administration, while the churches – though sometimes exhibiting reluctance to accept the government steps intended to favor them – are not exactly uncomfortable with the new situation, in which they have much more money for their operations and more opportunities to proselytize.¹⁹ In return, they have tended not to express views critical of the government, or in some cases they have become an outright part of the government’s propaganda, as in the case of the 2015 migrant crisis.

For example, Gyula Márfi, the Archbishop of Veszprém, joined in the government’s campaign against Muslim refugees, saying in an interview in October 2015 that Muslims come to Europe in great numbers “to conquer Europe through faith.”²⁰ Or Bishop of Szeged’s, László Kiss-Rigó, statement that, “the more migrants that come, the more Christian values will be watered down.”²¹

Discriminatory church taxes

Since 2001, taxpayers can offer 1% of their personal income tax to an NGO (including NGOs established by churches) and a second 1% to a church. 133 religious organizations are currently eligible to receive this tax benefit, while non-religious organizations are excluded. Taxpayers not wishing to offer their taxes to a church are provided with a state fund for education projects as an alternative, however, churches can also receive monies from this fund.

Churches are exempt from the transparency requirements that non-religious NGOs are subject to. They receive state funds under numerous budget headings, but as they do not publish annual financial statements, it is unclear how state funds are spent by the churches.

Secular associations that provide the same public purpose activities as churches are discriminated against financially.

Education and children's rights

Since 2013, religion or ethics classes have been mandatory in state schools. When enrolling their children, parents must disclose their religious affiliation. Religious instructors are financed by the state, but selected by the churches. Not all ethics teachers have relevant training, and while the textbooks invite children to discuss various issues, values are presented as given. When religion appears in ethics textbooks, it is rarely presented as a topic for critical discourse. For example:

- In the textbook for grade 8,²² Catholic Church representatives saving Jews are mentioned, while supporters in the Vatican who helped the escape of Nazi criminals are not. Abuse within the Catholic Church is mentioned but dismissed as “single cases,” with no bearing on the Church.
- In grade 7,²³ the story explaining love in Plato's Symposium is related without mentioning that it deals also with homosexual love.
- The textbook for grade 11²⁴ presents abortion in the context of scientifically unsound statements and presents two NGOs assisting women in carrying their unwanted pregnancy to term. No space is given to the discussion of possible reasons for abortion, such as the need for bodily integrity, or the ethics of birth control, procreation and voluntary childlessness.

The number of church-operated schools has doubled since 2010,²⁵ and in some municipalities, no secular alternative is available. Since reform to the education system in 2013, schools run by “established” churches receive full funding by the state, and are allowed to discriminate in their selection of pupils.

While State schools are not allowed to discriminate, church schools are free to do so and thereby heavily contribute to segregation across the school system.²⁶ The exclusion of Roma pupils from disadvantaged backgrounds from Church-run schools as well as Church-run segregated schools for children from disadvantaged families are a form of racial and social discrimination that is perpetuated with the full knowledge and support of the State.²⁷

Children's rights

The 9th Constitutional Amendment,²⁸ passed in December 2020, restricts the personal and religious freedoms of minors and their parents by obliging the State to ensure an upbringing of the child that is “that is in accordance with the values based on the constitutional identity and Christian culture of our country” (Article XVI). It also restricts children's right to “a self-identity corresponding to their sex at birth.” The explanatory statement refers to the eternal “Order of Creation” being “continuously threatened” as reason for the amendment.²⁹

A 2021 amendment to child protection legislation³⁰ that initially aimed at setting up a register for sex offenders that ensures they are not employed in jobs dealing with children, ended up as an act that forbids making available any content that “depicts sexuality as an end in itself or that promotes or depicts divergence from the identity corresponding to the sex designated at birth, sex modifications and homosexuality” to persons under the age of 18 years.³¹

By banning not only the “promotion” but even the “presentation,” the act effectively forbids anyone to provide minors with factually correct information about sexuality that does not conform to the government's ideas about sex and gender. The government also refuses to take notice of the existence of intersex children, where it is impossible to clearly assign a “birth sex.” In addition, while the law now requires employers to check whether new employees are listed in the sex offenders' register, church employees are exempt, meaning that children in religious communities receive less protection.

The supervision of the networks of foster parents has also been turned over from secular state services to sectarian organizations, partly to the reformed church and mostly to the child protection service of the Catholic diocese of Szeged-Csanád, the Saint Agatha Foundation. While the foundation claims church attendance is not compulsory, it openly admits that bringing children in contact with the Bible is part of the daily child rearing practice.³² There are some other, also church-run organizations (including networks of other Catholic dioceses) supervising foster parents. The SOS Children's Villages Foundation is practically the only remaining non-religious actor in the field.

Impunity for sexual abuse

The issue of sexual abuse of children within the Hungarian Catholic Church has largely been ignored. No action was taken when the Church appointed a man convicted for sexual abuse of his own son as a religious instructor in a state school in Tatabánya. He went on to abuse pupils. Recently, a victim of sexual abuse by a priest decided to come forward to the media, having

been dismissed by Church authorities after making his first complaint in 2003. He was taken to the police station for questioning for the whole of the national holiday after having wondered whether to approach Church leaders in public during the procession on that day.³³

In March 2021, government spokesperson Gergely Gulyás declared that there is no reason to investigate “paedophile acts” within the Catholic Church.³⁴ While the head of the Church has announced the appointment of a Church official for child protection in his diocese and to introduce a course on child protection into the curriculum for the training of priests, more robust action is needed to ensure children are not abused in future.

Family, community and society

The desecularization of public duties is not limited to the education system but affects all sectors.

Since 2010, a wide range of state duties in education, social security and even health services have been handed over by the state to various churches. As a result, secular services are not available to all, and people who prefer to use non-sectarian services are hindered in doing so or at a disadvantage when insisting on using these instead of sectarian ones. For instance, in July 2021, government decision 1503 handed over five social institutions to the Catholic Kolping Society and another three to the Maltese Order, according to the Hungarian Atheist Association.

Homes for elderly persons and for people living with disabilities have come under Church control in the last two decades, as only churches have all their costs reimbursed via the central state budget (while municipalities and private providers have to find additional funding sources).

In an act of June 2021, the Government issued a decree that hands all of the state’s over 5,000 social housing units free of charge to a company (MR Közösségi Lakásalap Nonprofit Kft., i.e. MR Community Housing Fund Non-profit Ltd.) owned by the Charity Service of the Order of Malta and the Hungarian Reformed Church Aid, which will also carry out the remaining tasks of a state programme intended to help those who were unable to pay their mortgages after the financial crisis of 2008. The company will be free to use the assets as they see fit and may even sell them, provided they use the proceeds for social housing.

Funding criteria are not transparent, and institutions maintained by the Church do not publish annual financial statements. It is estimated that institutions run by the churches receive at least one-and-a-half times (for some budget items, four times³⁵) as much as non-

religious institutions receive for the same public service.

Prioritization of “traditional values” at the expense of non-discrimination

The government promotes a creationist view of gender (presenting “traditional” gender roles as eternal). Heterosexual marriage is conflated with Christian values, and unmarried persons (including same-sex couples) are considered un-Christian and are discriminated against, especially if childless.

The personal income tax system heavily subsidizes “traditional” families.³⁶ A couple rearing three children gets a monthly tax benefit (600,000 forints) that is almost twice the median monthly salary before taxes (320,000 forints for 2020³⁷), and mothers (but not fathers or those who have reared not their birth or adopted children) who have at least four of their own or adopted children (and have reared them in their own household for at least 12 years) are granted lifetime exemption from paying income taxes on their salary (which is 15% on all salaries).

The Hungarian government has pursued a pro-natalist family planning policy based on the promotion of the “traditional family” and support for childbirth. Grants are awarded to hospitals that refuse to carry out abortions.³⁸

While medical services during pregnancy and birth are free, health insurance does not cover contraceptives. Emergency contraception is available only on prescription, causing delays that lower the drug’s effectiveness. Access to voluntary sterilization is restricted to persons over 40 or with at least three children.³⁹ Non-married women are excluded from the state-funded assisted reproduction program.

Although abortions have been legal since 1953, they are difficult to access. Abortions are possible only after submitting to two counselling sessions with State officials who have a duty to dissuade the applicant from abortion.⁴⁰ Since 2012, medical abortions are not available, meaning that women seeking terminations must undergo a more invasive surgical procedure.⁴¹ In addition, the protection of the foetus from conception was introduced into the new Fundamental Law of 2011, raising fears that abortion may be criminalized in the future.⁴²

A recently passed Act⁴³ rules that only married couples are eligible to apply for adoption. In exceptional cases, the minister may permit an adoption by an unmarried person. This effectively bans all non-married persons (including both singles and non-cis-hetero couples, who until now applied as single persons) from adoption. Older, disabled and Roma children often find only non-married persons willing to adopt them, so this regulation

prevents the most vulnerable children from finding a family.

In 2020, an Act ruled that sex assigned at birth “based on primary sexual characteristics and on chromosomes” may not be changed.⁴⁴ Applications for legal gender change have *de facto* been refused since 2018.

LGBTI+ Rights

The 9th Constitutional Amendment,⁴⁵ passed in December 2020 limits the definition of “families” to married couples and parent-children relations, and has gained notoriety for stating that, “The mother shall be a woman, the father shall be a man” (Article L(1)).

Same-sex civil partnerships have been legal in Hungary since 2007. However, the new constitution passed by parliament in 2012 restricts marriage exclusively to opposite sex couples.⁴⁶

During the current Orbán premiership, LGBTI+ rights have stalled and more politicians have resorted to the use of an openly homophobic rhetoric. In May 2020, in the midst of the COVID-19 pandemic, the Hungarian parliament passed a law voting to end legal recognition of trans and intersex people. The new legislation redefines the word “nem,” which in Hungarian can mean both “sex” and “gender,” to specifically refer to a person’s sex at birth as “biological sex based on primary sex characteristics and chromosomes.” Under Hungarian law, biological sex, once recorded, cannot be amended, so previous provisions whereby trans people could alter their gender and name on official documents will no longer be available.⁴⁷

According to the Council of Europe Human Rights Commissioner, Dunja Mijatovic, the law is “a blow to the human dignity of trans people” and contradicts pre-existing case law of the European Court of Human Rights.⁴⁸

Freedom of expression, advocacy of humanist values

Non-religious views may be freely expressed, and anybody irrespective of their religious or irreligious beliefs can hold a public office according to law. However, in practice, there is some informal political coercion against expressing these views, especially by those holding public office. According to the Hungarian Atheist Society, the non-religious are often described as lesser, and immoral; Christians are described to have higher moral standards. For example, Zoltán Balog, then Minister of Human Resources, responsible for culture and religion, stated at a conference in 2013 that Christians are better suited to do certain public services such as education, as “they have a higher moral standard than non-Christian people.”⁴⁹

During an inauguration speech on 31 October 2019, the speaker of the parliament, László Kövér, stated that, “Hungarians can win the struggles we are facing only if we can keep with the instruments of democracy a political majority ready for action, if we can maintain a majority of society with the force of justice, and if we are able to secure a moral majority which is able to protect itself, its nation and its homeland against the godless, the treasonous and those rejecting nationhood.” The Public Prosecutor’s Office reportedly refused to pursue a case filed by the Hungarian Atheist Association on the grounds that the speech was an expression of opinion and did not entail any action that resulted in concrete harm.

The Criminal Code⁵⁰ has a provision on the “Violation of the Freedom of Conscience and Religion,” which criminalizes violence or threat, punishable by up to three years in prison (Section 215). Public incitement of hatred against any national, ethnic, racial, or religious group is a felony punishable by imprisonment for up to three years. These restrictions do not appear to have been used as a *de facto* blasphemy law to prohibit legitimate criticism of a religion.

Stifling critics

Individuals critical of the government and its ideology are routinely subjected to harassment and hate campaigns, and legal action under a repressive media law, which lists among the goals of public service broadcasting, the promotion of “respect for the institution of marriage and family values.”⁵¹

Hate speech legislation is routinely abused to silence criticism: Charges were pressed against HVG weekly in 2014 for its “nativity scene” depicting politicians over a heap of money that takes the place of Jesus. Persons conflating the abortion pill with the Eucharist⁵² in a performance in front of the Polish Embassy to demonstrate against abortion restriction in 2016 were accused of violating religious feelings. The Constitutional Court has decided that the rulings of the lower courts which exonerated the protestors were unconstitutional and has ordered to start the legal procedures all over again.⁵³ Legal action was taken in 2020 against caricaturist Gábor Pápai for publishing a satirical drawing of Cecília Müller with Jesus on the cross.⁵⁴ Although these lawsuits were ultimately unsuccessful (that of Gábor Pápai up to now only at first instance⁵⁵), they discourage criticism and contribute to a climate of self-censorship.

Opposition politician Péter Niedermüller was vilified and a demonstration was organised against him by right-wing publicist and founding member of Fidesz Zsolt Bayer, after he said in a 2014 TV interview he found it frightening that what is left if one subtracts every

group that is shunned by government discourse from the nation, is a “frightening formation left in the middle: white, Christian, heterosexual men – and there are of course (some) women among them. That’s the family concept.”⁵⁶

Media control

According to the European Commission’s 2021 Report on Rule of Law:⁵⁷

“Media pluralism remains at risk. Concerns persist with regard to the independence and effectiveness of the Media Authority, also in the light of the Media Council’s decisions leading to independent radio station Klubrádió being taken off air. While no media support schemes were established to counter the impact of the COVID-19 pandemic on news media outlets, significant amounts of state advertising have continued to permit the government to exert indirect political influence over the media. Access to public information was tightened through emergency measures introduced during the pandemic, making timely access to such information harder for independent media outlets. Independent media outlets and journalists continue to face obstruction and intimidation.”

Under media legislation in force since 2011, media outlets must register with the National Media and Infocommunications Authority (NMHH), which has the power to revoke licenses and via the Media Council to close outlets or impose fines. The council’s president, who is directly appointed by the prime minister, nominates the heads of all public media outlets for approval by a Fidesz-dominated board of trustees. Despite minor amendments, international press freedom organizations insist that the laws do not adequately protect media independence. European Commission vice president Neelie Kroes stated in June 2012 that the May amendments had addressed only 11 of 66 recommendations made by the Council of Europe.⁵⁸

The state broadcasting companies function as governmental propaganda channels, where critical voices are rarely given space and government officials never have to face awkward questions. In February 2021, the Supreme Court (the ‘Curia’) ruled that if the existence of opposing views is mentioned, the requirement of balanced presentation is fulfilled, legitimizing the practice of not informing about dissenting opinions.⁵⁹

Government influence and control is exerted as a result of concentration of media ownership in the hands of pro-government individuals and through the selective allocation of advertisement funds. Prime minister Viktor Orbán was rated as “Press freedom predator”

by Reporters Without Borders in 2021, according to whom the governing party controls 80% of the media landscape.⁶⁰ The Kesma Foundation (in English CEPMF), owned by oligarchs depending on the governing party, owns approximately 500 media outlets, including practically all local and regional newspapers. In the preamble of its deed of foundation, the foundation commits itself to “our national and Christian values.”⁶¹ The last independent radio station, Klubrádió, which covered half the county in 2010, lost its FM frequency in 2021 and broadcasts via the internet only. Independent media are also discriminated against by being refused access to information (e.g. being locked out of parliament), and government officials routinely turn down any requests for interviews.

According to the Hungarian Atheist Association, formerly independent online portals origo.hu and index.hu were sold and now produce content mostly void of government criticism. As government and churches collaborate closely, not only critical analyses of government measures and policies are not present in these media, but there is also no critical discourse on issues related to churches, religion or faith. Non-religious life-stances, humanist values, non-religion based ethics do not exist in this media universe.

As one of the biggest advertisers, the government also exerts direct financial influence over media outlets. The remaining few critical outlets heavily depend on their readers’ donations. In mid-2021, the government reportedly announced plans for new legislation that would force all beneficiaries of donations to disclose the identity of all those who make donations to them. While these plans were retracted, such a step would likely represent the final nail in the coffin of free media and free speech, as many donors would fear harassment.

In March 2021, Hungary’s media authority brought legal proceedings against RTL Hungary for broadcasting an advertisement promoting LGBTI+ acceptance, claiming that the advertisement was harmful to children.⁶² That same month, television sports reporters János Hrutka and Viktor Lukács were reportedly dismissed from their roles at Spíler TV after expressing support for “rainbow families” on Facebook.⁶³

Academic freedom

The Hungarian government has systematically undermined liberal, independent educational institutions typically through funding. In 2019, the Hungarian Academy of Sciences was “restructured,” accompanied by massive budget cuts in line with Minister László Palkovics’s stance on the uselessness of fundamental research.⁶⁴ According to the Hungarian Atheist Association, funding for universities is not provided according to clear and unbiased criteria, and the state has interfered with study programs

accredited by the Hungarian Accreditation Committee. The government has initiated the privatization of state universities.⁶⁵ Private owners of universities can influence the study and research program of their institutions, i.e. academic freedom is at the mercy of those appointed to their supervisory boards.⁶⁶ The University of Theater and Film Arts is one of the institutions affected.⁶⁷

The expulsion of the Central European University (CEU) received widespread media coverage,⁶⁸ as well as the fact that the government banned an accredited program in gender studies in 2018.

Civil society

Pressure remains on civil society organizations critical of the government, whilst concerns have been expressed about newly established private trusts receiving significant public funding, managed by board members close to the current government.⁶⁹

Highlighted Cases

Gáspár Békés⁷⁰ was dismissed from his job at the capital city of Budapest by mayor Gergely Karácsony (aspiring to be the prime minister candidate of the unified opposition for the elections in 2022) after a hate campaign was launched against him by Tamás Horváth, member of the far-right and, according to Reuters,⁷¹ openly racist party Force and Determination (Békés's lawsuit is still pending) because in a blog post published years earlier, Békés had suggested the baptism of children goes against their constitutional rights.

A hate campaign was set up against Péter Szegő after he suggested that a high ranking state official such as chief medical officer Cecília Müller violates religious freedom when she is displaying a cross during her online press conferences on the Corona virus crisis.

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India

| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|
| | | | |

India is the world's most populous democracy, religiously pluralistic, and for many years, in the main, proud of its secular Constitution.

Muslim, 2.3% are Christian, 1.7% are Sikh, a further 2% belong to other religion or belief groups or failed to specify. The precise number of non-religious individuals is not known.¹

According to the most recent census data available (2011), 79.8% of the population are Hindu, 14.2% are

| Constitution and government | Education and children's rights | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
|---|---|---|--|
| | | <p>The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism</p> <p>Systemic religious privilege results in significant social discrimination</p> <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</p> | <p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <p>'Blasphemy' is outlawed or criticism of religion (including de facto 'blasphemy' laws) is restricted and punishable with a prison sentence</p> |
| <p>Preferential treatment is given to a religion or religion in general</p> | | | |
| <p>Anomalous discrimination by local or provincial authorities, or overseas territories</p> | <p>State-funded schools provide religious education which may be nominally comprehensive but is substantively biased or borderline confessional</p> | | <p>Some concerns about political or media freedoms, not specific to the non-religious</p> |

Constitution and government

India is a secular republic and its Constitution² protects freedom of thought, conscience and religion, as well as freedom of expression, assembly and association.

According to the US State Department:³

“Federal law provides official minority-community status to six religious groups: Muslims, Sikhs, Christians, Parsis, Jains, and Buddhists. State governments may grant minority status under state law to religious groups that are minorities in a particular region. Members of recognized minority groups are eligible for government assistance programs. The constitution states that the government is responsible for protecting religious minorities and enabling them to preserve their culture and religious interests.”

However, some laws and policies restrict these freedoms, and there continues to be some violence between religious groups and organized communal attacks against religious minorities.⁴

Despite its famously secular Constitution, there are serious concerns about Hindu nationalism and interreligious tensions that have risen under the premiership of Narendra Modi. Modi’s presidency has been linked to a rise in Hindu nationalism—both socially and on the part of officials appearing to elevate and promote a politicized Hindu nationalist agenda. Several state or federal laws introduced by the ruling Bharatiya Janata Party (BJP) have been designed to promote patriotism—or Hindu national identity in particular—discriminating against religion or belief minorities in the process.⁵ Along with a rise in Hindu nationalist rhetoric and state-sponsored religious fundamentalism, these developments have sparked deep concern for minorities and their right to freedom of religion and belief.⁶

According to Human Rights Watch:⁷

“Such bigotry has infiltrated independent institutions like the police, who fail to properly prosecute these crimes, perpetuating further abuses.”

The legacy of rationalism

Rationalism as a belief system has a long and proud history throughout Indian culture; since the 6th century BCE. In contrast to the findings of the 2011 Census (mentioned above), the 2012 WIN-Gallup Global Index of Religion and Atheism report found that: 81% of Indians were religious; 13% were non-religious; 3% were convinced atheists; and 3% were unsure or did not respond.⁸

Between 2013 and 2015, three prominent rationalists

were assassinated apparently because of their work combating superstition or Hindu nationalism (see “Highlighted cases” below). The authorities were quick to promise action, but were also accused of prematurely ruling out links to Hindu nationalist extremist groups. Government officials refrained from forcefully condemning the killings. Whilst India’s Minister for Minorities, Mukhtar Abbas Naqvi, has said that “you cannot judge the government with isolated incidents of violence or isolated statements by some ministers,”⁹ this violence has happened against a backdrop of a number of BJP politicians making deeply derogatory remarks about minorities—including, Niranjan Jyoti who implied that non-Hindus were bastards by telling attendees at a rally that they would have to decide between a government led by ‘sons of Ram or by bastards.’¹⁰

Education and children’s rights

Article 28(1) of the Constitution states:¹¹

“[N]o religious instruction shall be provided in any educational institution wholly maintained out of State funds.”

“However, state-owned institutions established by an endowment or trust that requires religious instruction are exempt from this rule (Article 28(2) of the Constitution of India).”

Clause 3 of the same article states that:¹²

“[N]o person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.”

There are a mixture of state and private schools, and some disparity between different states in this large and varied democracy. There has been debate for decades about whether India’s famous constitutional secularism, in a socially very religious country, should mean the exclusion of religion from the classroom, or its inclusion either with instruction for all, or under a comparative framework, and there were even experiments with a secular moral education.

In 2002, the Supreme Court ruled that:¹³

“[S]tudents have to be made aware that the basic concept behind every religion is common, only the practices differ. Even if there are differences of opinion in certain areas, people have to learn to co-exist and carry no hatred against any religion.”

Today, generally, the religious affiliation of children may be obvious from symbolic religious attire, and this is not discouraged or unlawful, but in this religiously diverse society the placing of undue influence on children through religious instruction is usually avoided in favor of inclusive secular norms, and parents who felt that their children were being wrongfully exposed to unwanted religious instruction would have legal recourse.

In March 2022, Gujarat State announced that the Bhagavad Gita—a seminal Hindu text—will be a compulsory part of the school syllabus for classes 6 to 12 across the state from the academic year 2022-23.¹⁴ The State is the second to introduce the Gita into the curriculum, with mixed reception. While the States argue that the Gita is a means to introduce moral education, critics have argued that the promotion of this text to the exclusion of texts from other belief systems is discriminatory and contrary to the secular nature of education in the country.¹⁵

The law permits some Muslim, Christian, Sindhi (Hindu refugees), Parsi, and Sikh educational institutions that receive government support to set quotas for students belonging to the religious minority in question.¹⁶

In February 2022, Karnataka State—a state governed by a BJP majority—authorities banned the hijab in government-run educational institutions. The move sparked protests by some who highlighted its discriminatory nature, and forecast adverse affects on girls' education.¹⁷ Other states announced that they would consider similar moves. While the ban was upheld by the Karnataka High Court,¹⁸ it is expected that an appeal against the ban will be considered by the Supreme Court.¹⁹

Child marriage

In June 2021, it was reported that the incidence of child marriage had soared across India owing to the impact of COVID-19 on household finances. The problem disproportionately affects girls. According to 2011 census data, one in every three girls is married under the age of 18. The issue is reportedly particularly acute in rural areas, where poverty and poor enforcement of the law permits custom to prevail.²⁰

Family, community and society

Rise of violence against religious minorities

As noted above, the presidency of Narendra Modi has been linked to a significant rise in Hindu nationalism. According to the BBC, statistics on inter-communal violence from 2015 showed a 30% increase in the first half of 2015 with a total of 330 attacks, of which 51

were fatal, compared with 252 attacks, 33 of which were fatal in the same period of 2014.²¹ However, these statistics pale in comparison with the anti-Muslim riots in 2002 in Gujarat, with more than 1,000 people killed in violent clashes after 60 Hindu pilgrims died in a fire on a train.²² According to statistics published in 2021, inter-communal violence has continued to grow.²³ In 2020, 857 cases of communal or religious rioting were recorded despite the imposition of lockdown measures to curb the spread of the COVID-19 pandemic.²⁴ This figure was double that of the previous year.

Since the re-election of Modi in 2019, his government has implemented a raft of discriminatory legislation specifically targeting religious minorities, most profoundly affecting Muslims.²⁵

In December 2019, the government passed the Citizenship (Amendment) Act,²⁶ which establishes a new route to citizenship for irregular migrants of various religions originating from Pakistan, Bangladesh and Afghanistan, but does not offer the same path to Muslim or humanist migrants. The passage of the act led to sweeping protests and counter protests have turned increasingly violent, with the vast majority of victims being Muslims.²⁷

Critics of the government are often told that they should “go to Pakistan,” or more recently, to “go to Afghanistan.”²⁸

Bans on interfaith marriage

Since 2019, several states governed by the BJP have sought to regulate interfaith marriages.²⁹

According to the BBC:³⁰

“In November 2020, Uttar Pradesh became the first state to pass a law – Prohibition of Unlawful Religious Conversion Ordinance – banning “unlawful conversion” by force, fraudulent means, or marriage. It was in response to what right-wing Hindu groups call “love jihad”, an Islamophobic term denoting a baseless conspiracy theory that accuses Muslim men of seeking to make Hindu women fall in love with them with the sole purpose of converting them to Islam.”

Cow vigilantism

One recurring social and legal issue is the slaughter of Indian cows for beef. Millions of Indians do eat beef, especially members of the so-called Dalit “caste,” as well as Muslims and Christians. It is often an important source of protein and, for many, income. However, many Hindus regard the Indian cow as a sacred creature, which is worshiped and decorated during festivals. The slaughter of cows is a highly sensitive issue across much

of India and a source of violence.

Accusations of keeping and slaughtering cows for beef have resulted in many riots. The beginning of the most recent wave of mob violence may be associated with the well-publicized case of the brutal killing of Mohammed Akhlaq in Dadri on 28 September 2015, following a rumor that his family was in possession of cow meat.³¹ There were further incidents over the following years and in 2017, an increasing number of attacks by self-declared gau rakshaks (cow vigilantes) spurred nationwide protests under a campaign called “Not in My Name.”³² Attacks have included mob lynching and gang attacks on individuals and families. In July 2017 a mob lynched a man who was accused of carrying beef in his car in Jharkhand, and a local BJP leader was among the two people that were arrested in the case.

According to Human Rights Watch World Report 2021:³³

“In Uttar Pradesh, authorities continued to use allegations of cow slaughter to target Muslims. By August, the Uttar Pradesh government had arrested 4,000 people over allegations of cow slaughter under the law preventing it, and also used the draconian National Security Act against 76 people accused of cow slaughter. The NSA allows for detention for up to a year without filing charges.”

Freedom of expression, advocacy of humanist values

Freedom of expression is protected by the Constitution and there is a vigorous and diverse range of media outlets. Despite the vibrant media landscape, journalists continue to face a number of constraints. The government has used security laws, criminal defamation legislation, hate-speech laws, and contempt of court charges to curb critical voices.³⁴

Internet shutdowns

Internet access is largely unrestricted, although some states have passed legislation that requires internet cafés to register with the state government and maintain user registries. Under Indian internet crime law, the burden is on website operators to demonstrate their innocence. Potentially inflammatory books, films, and internet sites are occasionally banned or censored. Internet shutdowns have become an easy way for those in power to curtail protest, despite access to the internet being protected by Article 19 of the Constitution and being declared as a fundamental right by the Supreme Court.³⁵

“Religious insult” and “blasphemy”

The Indian Penal Code provides an array of vaguely-

worded or overbroad laws, which enable complainants to stifle criticism of religion.³⁶ Among them, “blasphemy” laws are being increasingly used and cited.

Section 295 of the Indian Penal Code criminalizes “insulting religious beliefs;” allowing up to three years’ imprisonment and fines for “whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of a class.”³⁷

In January 2015, the well-received and record-breaking high-grossing Bollywood film titled “PK,” satirized problems with religion through the eyes of an alien in human form. It was criticized by Hindu nationalists who disliked its satire on “godmen;” they called for a ban on the film and the arrest of its star Aamir Khan and the filmmakers.³⁸

Director and writer Rajkumar Hirani responded by explaining, “In fact, with PK, I am saying that we are humans first and not Hindus or Muslims. Everyone should have the freedom to live and get settled with whoever they want to.”³⁹

On 1 January 2021, Munawar Faruqi—a stand-up comedian known for his observational style that is typically topical and/or political—had barely begun his set, when members of right-wing group, Hind Rakshak Dal—including the son of the current mayor of Indore—stormed the stage and argued that Faruqi had hurt their sentiments, seeking a promise that he would refrain from cracking jokes about Hinduism in future. Shortly after, the group forced Faruqi and others performing—including, Nalin Yadav, Prakhar Vyas, Priyam Vyas, Edvin Anthony and Sadakat Khan—to a local police station where they filed a complaint against them for violating Sections 269, 295-A, 298, 188 & 34 of Indian Penal Code (IPC).

The complainants alleged that the group had violated COVID-19 guidance, did not have the proper permissions to hold the event, and had hurt religious sentiments. On 5 February 2021, the Supreme Court ordered his temporary release on bail and stayed a production warrant issued against him in connection with a separate case filed at George Town police station.⁴⁰ He remained under investigation.

Following his release on bail, Faruqi saw several of his shows being canceled following ultimatums by right-wing groups.⁴¹ These included shows in Surat, Ahmedabad, Vadodara, Mumbai and Raipur. In December that year, Faruqi was dropped from the bill of Gurgaon Comedy Festival citing “public safety” concerns following pressure.⁴² The decision followed the filing of an additional complaint against Faruqi, accusing him of insulting Hindu gods and goddesses and

asking police to ensure that he didn't perform.

On 3 July 2022, a performance of a Kannada-language adaptation of *Fiddler on the Roof* was disrupted by a right-wing Hindu vigilante group because it contained Muslim characters and showed a Hindu-Muslim relationship.⁴³

Freedom of assembly and association

There are some restrictions on freedoms of assembly and association. Section 144 of the Criminal Procedure Code empowers the authorities to restrict free assembly and impose curfews whenever "immediate prevention or speedy remedy" is required.⁴⁴ State laws based on this standard are often abused to limit the holding of meetings and assemblies. Nevertheless, protest events take place regularly in practice.

Highlighted cases

In July 2022, atheist filmmaker **Leena Manimekalai**⁴⁵ faced accusations of "hurting religious sentiments."⁴⁶ Manimekalai—an Indian film-maker based in Canada—reportedly received thousands of threats of violence after the poster for her short film *Kaali*, which was aired in the Canadian city of Toronto at the weekend, went viral on social media. In the film—part of her graduate film studies at Toronto University—the goddess *Kaali* inhabits Manimekalai's body and wanders the city streets in a search for belonging. In a scene pictured on the film's poster, she shares a cigarette with a homeless man while dressed as the goddess. A hashtag reading "arrest Leena Manimekalai" began trending, and on 5 July two police cases—one in Delhi and another in Uttar Pradesh—were filed against the director and others involved in the film for a "disrespectful depiction" of a Hindu god and allegedly "hurting religious sentiments." The Indian High Commission in Canada reportedly said it had received complaints from members of the Hindu community over the poster and it "urged Canadian authorities and the event organizers to withdraw all such provocative material."

Respected and well-known leader of the Indian rationalist community, **Narendra Nayak**,⁴⁷—who has an academic scientific background—lives under police protection owing to persistent threats to his life as a result of a career spent challenging superstition in the country. In 2019, it was revealed that Rajesh Bagera—an individual implicated in the murder of journalist and rationalist Gauri Lankesh—admitted that his group of assassins had also conducted surveillance of the movements of Narendra Nayak, the current president of Federation of Indian Rationalist Associations (FIRA) (following the murder of his predecessor, Narendra Dabholkar – see below).⁴⁸ Nayak is prominently featured on all known "hit-lists" against rationalists.

In March 2017, the Times of India reported that an atheist and ex-Muslim, **H Farook** (aged 31), had been killed by four assailants in Tamil Nadu state. He was apparently targeted due to his participation in an atheistic WhatsApp group and his Facebook page, where he posted "rationalist" messages including views critical of religion. A realtor named as "Ansath" of Muslim background reportedly surrendered before the judicial magistrate court in connection with the murder. A police spokesperson said: "Farook's anti-Muslim sentiments had angered people, which could be the possible motive for murder." As of July 2019, six individuals had reportedly been identified to have links to the crime.⁴⁹

In September 2017, journalist and self-identified rationalist **Gauri Lankesh** was shot dead by at least two assailants outside her home in Bangalore.⁵⁰ She had been an ardent critic of Hindu nationalism, extremism and caste-based discrimination. At the time of her death, Lankesh was in the process of appealing her 2016 conviction for defamation after publishing an article in 2008 in which she alleged that members of the BJP had committed theft. State police say it is widely suspected that the murder is linked to her work. As a result of the investigations into Lankesh's murder, the Karnataka Police Special Investigation team submitted a 9,235 page report to the Karnataka Court where a confession by accused Rajesh Bagera is recorded.⁵¹

On 16 February 2015, **Govind Pansare** and his wife, Uma, were shot at by two men on motorcycles outside their house in Kolhapur, Maharashtra state, having returned from a morning walk. Pansare later died of his injuries. He was a senior left-wing politician of the Communist Party of India (CPI), a writer and rationalist, having often spoken out against right-wing groups. Pansare was also a member of the Kolhapur Anti-Toll Committee having taken a lead in the campaign. Comparisons have been drawn between this attack and the earlier murder of anti-superstition activist Narendra Dabholkar (below). Raghunath Kamble, general secretary of CPI's Kolhapur unit said that a few months before, Pansare had received anonymous letters which read "Tumcha Dabholkar Karu [you would also be killed like Dabholkar]." Kamble said that Pansare had received threats several times in the past but that he would "ignore such threats and continued with his work." Hamid Dabholkar (Narendra Dabholkar's son) criticized those dismissing similarities in the two cases, pointing out that both Dabholkar and Pansare were rationalists and opponents of right-wing extremism, and had been threatened several times.⁵² To date, at least 12 individuals have been arrested in connection with the crime, including members of the right-wing Hindu nationalist group Sanatan Sanstha.⁵³ In November 2019, Pansare's family reportedly filed an application seeking change of investigating officer due to their dissatisfaction with the manner in which he was handling the investigation.⁵⁴

In August 2015, **M.M. Kalburgi**, a 77 year old rationalist scholar and university professor, was shot dead at his home in the southern state of Karnataka. As in the case of Govind Pansare and Narendra Dabholkar, two unidentified male assailants on a motorbike were responsible. Kalburgi had received death threats following his criticism of idol worship during a seminar in 2014. In a statement to the Hindustan Times newspaper his daughter Roopadarshi said that “There was a threat to my father from groups that couldn’t digest his views on caste and communalism. The role of these groups should be probed...”⁵⁵ On 18 August 2019, police filed charges against six individuals, including the man accused of killing journalist Gauri Lankesh (see above).⁵⁶

On 20 August 2013, leading anti-superstition campaigner **Narendra Dabholkar** was shot and killed in Pune, Maharashtra state, by two men on a motorcycle. The murder came just days after the state government pledged to re-introduce an anti-superstition bill,⁵⁷ aimed at making it an offense to exploit or defraud people with ‘magical’ rituals, charms and cures. This bill was closely associated with Dabholkar’s work, and was opposed by many right-wing and Hindu nationalist groups who labeled it “anti-Hindu.”⁵⁸ Dabholkar was a long-time activist in India’s rationalist movement, founder-president of Maharashtra Andhashraddha Nirmoolan Samiti (MANS), an anti-superstition organization. He was also a leader of the Federation of Indian Rationalist Association, a member organization of Humanists International. The anti-superstition bill was passed into law soon after Dabholkar’s assassination. In 2017, the state of Karnataka passed the ‘Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Bill,’ an anti-superstition bill, under pressure from civil society groups following the murders of Dr Dabholkar and Dr Kalburgi. Almost seven years since his murder, the trial of the accused had still not commenced as of March 2020.⁵⁹ In February 2020, the Bombay High Court expressed concern at the delay.⁶⁰

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Nepal

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|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
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Prior to a civil war between Maoist rebels and the government in 2006, the country was officially a Hindu state. In 2008, Nepal became a secular democratic republic. The new Constitution as of 2015 retains “secularism” but places restrictions on freedom of religion or belief.

The Nepali population is composed of 126 castes and ethnic groups.¹ According to the 2021 Census,² 81% of the population are Hindu, 9% Buddhist, 4.4% Muslims (the vast majority of whom are Sunni), 3% Kirat (an

indigenous religion with Hindu influence) and 1.4% Christians (of whom a large majority are Protestant and a minority Roman Catholic). Other groups, which together constitute less than 5% of the population, include animists, adherents of Bon (a Tibetan religious tradition), Jains, Baha’is, and Sikhs. The number of humanist and non-religious individuals is not recorded. Humanist groups are campaigning for their inclusion in future census data collection.

| Constitution and government | Education and children’s rights | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
|---|--|---|--|
| | | Systemic religious privilege results in significant social discrimination | ‘Blasphemy’ is outlawed or criticism of religion (including de facto ‘blasphemy’ laws) is restricted and punishable with a prison sentence |
| <p>There is systematic religious privilege</p> <p>Preferential treatment is given to a religion or religion in general</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p> | <p>There is state funding of at least some religious schools</p> <p>Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</p> | Discriminatory prominence is given to religious bodies, traditions or leaders | |
| Official symbolic deference to religion | | | <p>Some concerns about political or media freedoms, not specific to the non-religious</p> <p>Concerns that secular or religious authorities interfere in specifically religious freedoms</p> |

Constitution and government

In 2015, a new “secular” Constitution³ was announced following years of civil war. The move replaced the 1990’s Hindu monarchy. This came after a comprehensive peace agreement between democratic

parties and a belligerent Maoist-led party. At the time of its creation, there was significant pressure from Hindu nationalists to revert to a Hindu state. Article 4 of the Constitution defines secular as “protection of religion and culture handed down from the time immemorial.”

Such a definition of secularity permits the government to invest heavily in religion, and may in fact be interpreted to privilege “indigenous” religious traditions such as Hinduism over “Western imports” such as Christianity. The Nepalese government funds Hindu temples and ceremonies from a federal to local level, whereas very little in comparison is spent on Buddhist and Muslim causes, and there is no public spending in place for other religions or non-religious groups.⁴

There are public holidays recognizing various religious traditions, including Buddha’s birthday, Christmas day, and Eid al-Adha.⁵

Article 26 of the Constitution outlines the right to “freedom of religion”:

“(1) Every person who has faith in religion shall have the freedom to profess, practice and protect his or her religion according to his or her conviction.

(2) Every religious denomination shall have the right to operate and protect its religious sites and religious Guthi (trusts). Provided that nothing shall be deemed to prevent the regulation, by making law, of the operation and protection of religious sites and religious trusts and management of trust properties and lands.

(3) No person shall, in the exercise of the right conferred by this Article, do, or cause to be done, any act which may be contrary to public health, decency and morality or breach public peace, or convert another person from one religion to another or any act or conduct that may jeopardize other’s religion.”

The new constitution protects against discrimination on the grounds of religion or belief. Article 18(3) reads:

“The State shall not discriminate citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language, region, ideology or on similar other grounds.”

This is further enshrined in Article 18 the Nepali Civil Code.⁶ However, various forms of discrimination do persist, including in law.

A great deal of emphasis is placed throughout the Constitution on the promotion and protection of harmony. Indeed, the Constitution makes the promotion of mutual understanding, tolerance, and solidarity among various caste, ethnic, religious, linguistic and cultural groups and communities a State priority (Article 51). As such, the law prohibits both proselytism (Article 158 of the Penal Code) and “outraging the religious feelings” of any caste, ethnic community, or class (Article 156 of the Penal Code).⁷

Further, Article 269 (5) states that:

“No political party shall be registered if its name, objective, symbol and flag is of a character that may disturb the country’s religious or communal unity or is divisive in character.”

However, according to the US Department of State,⁸

“right-wing religious groups associated with the BJP in India continued to provide money to influential politicians of all parties to advocate for Hindu statehood.”

Registration of religious groups

According to the US Department of State’s 2021 Report on International Religious Freedom:

“Except for Buddhist monasteries, all religious groups must register as NGOs or nonprofit organizations to own land or other property, operate legally as institutions, or gain eligibility for public service-related government grants and partnerships.”

Impunity

According to Human Rights Watch,⁹

“A pervasive culture of impunity continues to undermine fundamental human rights in the country. Ongoing human rights violations by the police and army, including cases of alleged extrajudicial killings and custodial deaths resulting from torture, are rarely investigated, and when they are, alleged perpetrators are almost never arrested. [...]

“Both the Oli and Deuba governments continued to block justice for conflict-era violations. The mandates of the two transitional justice commissions were once again extended, although neither has made progress since being established in 2015 to provide truth to victims, establish the fate of the “disappeared,” and promote accountability and reconciliation.”

Education and children’s rights

The Constitution guarantees free education up to secondary level (Article 31). Basic education is compulsory.

Religious Education is not part of the public school curriculum. Nevertheless, many schools have a statue of Saraswati, the Hindu goddess of learning, on school grounds. Children attending public schools are also taught ethics.

Hindu, Buddhist, and Muslim groups are allowed to establish and operate their own schools. Registered

religious schools and public schools receive the same level of funding from the government.

Christian schools are not able to register as community schools and thereby they are not eligible for government funding. In order to operate a private school, Christian groups must register as an NGO.¹⁰

Child marriage

Despite being illegal since 1963, according to UNICEF, Nepal still has the 17th highest prevalence rate of child marriage in the world. The practice is driven by a complex web of factors, but key among them is gender discrimination, especially when combined with poverty. Discriminatory social norms mean that girls are often seen as a “burden” to be unloaded as early as possible through marriage. Traditional beliefs and social pressures also encourage child marriage. In some communities it is believed that women will go to heaven if they marry before their first period.¹¹

According to Human Rights Watch,¹²

“Nepal has one of the highest rates of child marriage in Asia, with 33 percent of girls marrying before 18 years and 8 percent married by age 15. Among boys, 9 percent marry before the age of 18. This situation worsened during the [COVID-19] pandemic, as children were pushed out of education and families faced increased poverty.”

Deuki Pratha

Deuki Pratha is an ancient custom practiced in a rural western part of Nepal, where a young girl is offered to the local temple. Though the practice is in decline, there are still reports of girls being offered as deukis. Girls who are abandoned by their families to become deukis are deprived of educational and economic opportunities, and many deukis are forced to turn to sex work for survival.¹³

Family, community and society

Nepal’s Central Bureau of Statistics does not collect census data on population levels of atheism, humanism and the non religious. Therefore, the government is not taking non-believers into consideration, in a country where more than half of the 601 parliamentarians are members of the Communist Party of Nepal (Maoist Centre). Recent campaigns by Society for Humanism Nepal (the country’s sole Humanist organization and a member organization of Humanists International) have been criticized by right-wing political parties such as the Rastriya Prajatantra Party (RPP).

Caste-based discrimination

Caste-based discrimination is criminalized in Nepal, although it continues to be practiced in society.¹⁴ Inter-caste marriages and relationships are frequently punished by the community.¹⁵

Although Nepal’s 2015 Constitution established a National Dalit Commission to promote the rights of the Dalit community, the Commission has remained “toothless” as the government has not appointed any commissioners, according to SOCH Nepal.¹⁶

Harmful traditional practices

Various traditional and cultural practices, known as ‘*kuriti*’, are carried out in violation of fundamental human rights. *Kuriti* are regarded by many as “holy” matters, forming part of the identity of a particular society. Being perceived as a vital part of Nepalese culture, they often go unquestioned within Nepali society, despite their brutal and degrading character and the grave suffering they cause.¹⁷

Violence resulting from *kuriti* is one of the major social problems of Nepal. The victims are mainly members of marginalized groups, such as women, children, ‘untouchables’ (according to the “caste” system) and other economically deprived members of society.

The Nepalese Ministry of Women, Children and Social Welfare has identified fifty-seven *kuriti* in Nepal. These include the persecution of individuals accused of practicing witchcraft (*Boksi Pratha*), child marriage, forcing women to stay in a tiny hut far from their own house during the time of their menstruation (*Chhaupadi Pratha*) and the offering of a girl child to a Hindu temple (*Deuki Pratha*).

Nepal has ratified a number of treaties relevant to its obligations to prevent and punish acts of *kuriti*. Nepal has ratified the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment.

There is also domestic legislation in place that purports to end certain forms of harmful traditional practices. This includes the Witchcraft Allegation (Offense and Punishment) Act 2016, Article 168 of the Penal Code, the law against dowry in the Social Practices (Reform) Act, 1976 and the law against child marriage in the National Code, Chapter on Marriage.¹⁸ In August 2018, a law criminalizing *chhaupadi* was passed by the Nepali

parliament,¹⁹ however, effective implementation remains a challenge.²⁰

In Nepal, attitudes and beliefs about menstruation place severe restrictions on women and girls, as menstrual blood is seen as a source of pollution. Deeply rooted in culture and religion, these restrictions stem from a desire to avoid 'impurity' that originates from the Hindu religion. Of the different forms of menstrual restrictions in Nepal, *chhaupadi* is the most extreme form.

Chhaupadi is a form of menstrual exile where women and girls sleep in small huts (*chhaugoth*) or animal sheds during menstruation and immediately after childbirth.

SOCH Nepal estimates that at least 1,860 people are affected by *kuriti* in Nepal annually. In 2019 alone, SOCH Nepal recorded: 603 cases of girls forced into child marriage, 459 cases of untouchability, 125 cases of *chaupadi* (isolating menstruating women and girls), at least 3 cases of *deuki* (offering girls to deities to fulfil religious obligations), and at least 12 cases of torture of women in the name of witch-hunting. The gravest *kuriti* in Nepali society is 'human sacrifice'. In 2019, 1 'virgin girl' was set for sacrifice; fortunately police could rescue her shortly before she was set to be sacrificed.²¹

Women's rights

Under Article 38(3) of the Constitution:

"There shall not be any physical, mental, sexual or psychological or any other kind of violence against women, or any kind of oppression based on religious, social and cultural tradition, and other practices. Such an act shall be punishable by law and the victim shall have the right to be compensation as provided for in law."

The same article enshrines each woman's right to reproductive health. Following Nepal's Universal Periodic Review at the UN, the government began consultations to update the criminal code to better safeguard the recognized right to abortion.²²

The Safe Motherhood and Reproductive Health Rights Act 2018²³ permits women to seek abortion for any reason up to 12 weeks of gestation, and up to 28 weeks in cases of rape or incest. Abortion is also legal up to 28 weeks of the pregnancy if a licensed medical practitioner identifies a risk to the woman's mental or physical health or if the fetus is "likely to become non-viable."

However, both the Citizenship Act 2006²⁴ and the Constitution contain provisions that discriminate against women with regard to nationality and the ability to transmit citizenship through marriage and to their children. In September 2020, three UN Special Rapporteurs wrote to the Nepali State to express their concerns regarding specific amendments to the

Citizenship Act under discussion.²⁵

LGBTI+ rights

In August 2018, Nepal introduced a new Civil Code. Based on a ruling of the Supreme Court in 2007, there was widespread expectation from LGBTI+ communities that same-sex marriage would be legalized. However, Section 3-1-67, which addresses the topic of marriage, only recognizes heterosexual marriage.²⁶

In 2015, Nepal became one of the world's few countries to recognize a "third gender" in citizenship documents, thereby establishing self-determination as the sole criterion to identify one's gender.²⁷

The politics of the cow

Although Nepal was pronounced a secular state in 2007 and ceased to be the "only Hindu nation in the world", Hinduism still influences many aspects of Nepalese culture.

The killing of cows is banned throughout Nepal for all people, regardless of their beliefs (Article 289 of the Criminal Code). Those caught killing cows can be punished with a three-year prison sentence. Police reportedly arrested 39 Muslim, Dalit, and indigenous persons for cow slaughter in nine separate incidents over the course of 2021. In addition, the Society for Humanism Nepal (SOCH Nepal) reported three additional incidents in which 17 individuals were arrested as of October.²⁸

Freedom of expression, advocacy of humanist values

Freedom of the press, opinion, and expression are guaranteed and direct censorship is unlawful. However, freedom of expression is often stifled in practice, particularly when the government faces criticism.²⁹

In March 2022, Reporters Without Borders condemned a new decree that, on the pretext of "regulating" online videos, has the effect of preventing media outlets, journalists and ordinary citizens from posting video news reports on the Internet.³⁰

Media freedom

While media freedom is guaranteed in theory, in practice freedom of the press has not been consistently protected. Indeed, a series of provisions in the Penal Code adopted in August 2018 hinders investigative journalism and limits criticism of public figures.³¹

According to Reporters' Without Borders Press Freedom Index,³²

“The activities of security forces and of some rebel groups are especially sensitive. Lacking adequate security training, many journalists abstain from covering these issues. Protection mechanisms do exist, upheld notably by Press Council Nepal and the National Human Rights Commission. However, they are not quite capable of offering urgent solutions for reporters in danger. Cases of surveillance, threats and intimidation are legion, hence pushing many journalists into self-censorship. Pressures of a more insidious kind may also persuade some reporters to avoid sensitive issues, for fear of being discredited.”

In June 2022, IPI reported that there had been at least seven incidents of attacks or harassment of journalists by public officials in the previous month.³³

‘Hurting religious sentiments’ law

In 2017, Nepal introduced new laws that not only criminalize ‘blasphemy’, but could render any public expression of belief an offense due to the overbroad nature of the formulation of the laws. According to Nepal’s Penal Code, a person convicted of ‘hurting religious sentiments’ could face up to two years’ imprisonment and a fine of up to US\$170. The provision reads:

156: Prohibition of outraging religious feelings

(1) No person shall outrage the religious feelings of any caste, race, community, or class by words, either spoken or written, by visible representation or signs or otherwise.

(2) A person who commits, or causes to be committed, the offense referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding 2 years and a fine not exceeding 20,000 rupees.

In addition, the broad wording of Article 158, which prohibits proselytizing, could lead to the conflation of proselytizing with ‘blasphemy’ and “hurting religious sentiments”, as changing one’s religion or questioning religious tenets may be perceived as an insult to another’s religion. Of particular concern in this regard is clause 2, which reads:

“(2) No person shall do any act or conduct that undermines the religion, opinion, or faith of any caste, race, or community or convert anyone into another religion, whether by inducement or not, in a manner to so undermine or propagate such religion or opinion with the intention of making such conversion.”

Those who commit offenses under this clause could face up to 5 years in prison and a fine of up to 50,000 rupees (approx. US\$430). A foreign national who commits such an offence faces deportation.

A study conducted by the United States’ Commission on International Religious Freedom,³⁴ documented two cases of the application of ‘blasphemy’ laws in the country between 2014-2018.

In March 2020, Pastor Keshab Raj Acharya was reportedly first arrested in Pokhara on 23 March 2020 and charged with spreading misinformation about COVID-19 for stating that “those who follow Christ would not become infected”. He was fined for these statements but remained in jail. According to IIRF (a Christian institute), his phone was searched without his consent during his arrest. The police found information and photographic evidence of him traveling around the country and distributing Christian material. He was subsequently charged multiple times with proselytizing and outraging religious feelings. On 19 April 2020, bail for his release was set at 500,000 rupees (\$4,300). However, he was not released and was transferred 400 miles away to face more charges of religious conversion. On 30 June 2020, Acharya was released on a 300,000 rupees bail (\$2,600).³⁵

Freedom of assembly

Although the Constitution enshrines freedom of assembly, according to Freedom House, “security forces have been known to violently disperse protests and demonstrations, particularly in the south, where a large Madhesi population and related secessionist movement exist.”³⁶

In 2018, the government issued a ban against protests and demonstrations in various public places in Kathmandu, but it was stayed by the Supreme Court.³⁷ In April 2018, the Maitinghar Mandala, one the most common venues for protests and demonstration, was declared a “no protest zone” and the government allocated seven open spaces in Kathmandu for public protests, in apparent violation of the right to peaceful assembly and freedom of expression.³⁸

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Pakistan

| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|
|------------|-----------|--------------|------------|

The population of Pakistan is approximately 96% Sunni and Shia Muslim; the remaining 4% is made up of Christians, Ahmadi Muslims, Hindus, Buddhists and others.¹ The country has suffered chronic sectarian violence against religious and non-religious minorities, with Shia Muslims subjected to the majority of the violence,² and many extremely serious incidents against Christian and Ahmadi minorities. For individual non-religious persons to speak out is uncommon, but those

revealed or alleged to be non-religious tend to provoke swift condemnation, threats of violence, or criminal blasphemy charges.

The legal environment in Pakistan is notably repressive; it has oppressive blasphemy laws, permits systemic and legislative religious discrimination and often allows vigilante violence on religious grounds to occur with impunity.

| Constitution and government | Education and children's rights | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
|---|---|---|--|
| <p>The non-religious are barred from holding government office</p> | <p>Religious or ideological instruction in a significant number of schools is of a coercive fundamentalist or extremist variety</p> | <p>Expression of non-religious views is severely persecuted, or is rendered almost impossible by severe social stigma, or is highly likely to be met with hatred or violence</p> <p>There is a pattern of impunity or collusion in violence by non-state actors against the nonreligious</p> <p>Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious</p> | <p>Expression of core Humanist principles on democracy, freedom and human rights is brutally repressed</p> <p>'Blasphemy' or criticism of religion is outlawed and punishable by death</p> <p>It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed</p> <p>It is illegal or unrecognised to identify as an atheist or as non-religious</p> |
| <p>State legislation is partly derived from religious law or by religious authorities</p> | | <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</p> <p>Prohibitive interreligious social control (including interreligious marriage bans)</p> <p>Religious control over family law or legislation on moral matters</p> | |

| | | | |
|--|--|---|--|
| | | It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization | |
| <p>There is an established church or state religion</p> <p>There is a religious tax or tithing which is compulsory, or which is state-administered and discriminates by precluding non-religious groups</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p> | <p>There is state funding of at least some religious schools</p> | | |

Constitution and government

Article 2 of the Constitution establishes Islam as the state religion and requires that all laws are consistent with Islam. Despite the Constitution’s promise of adequate provisions for minorities to practice their religious beliefs freely, many of Pakistan’s laws and policies restrict freedom of religion or belief.³

The majority religious community is afforded more protections than the non-religious or minority religious groups. The relatively common sectarian and religiously motivated violence against minorities and individuals in Pakistan often goes unpunished.

The Constitution states that Ahmadis are not considered as Muslims, despite their self-identification as Muslims. Additionally, articles 298(b) and 298(c) of the Penal Code⁴ prohibit Ahmadis from self-identifying as Muslims, propagating or disseminating materials about their faith, or calling their houses of worship mosques. Ahmadis have been imprisoned simply for sharing Ahmadiyya literature.⁵ According to the US State Department:⁶

“The National Database and Registration Authority (NADRA) designates religious affiliation on passports and requires religious information in national identity card and passport applications. Those wishing to be listed as Muslims must swear they believe Mohammed is the final prophet and must denounce the Ahmadiyya movement’s founder as a false prophet and his followers as non-Muslim. There is no option to state “no religion.” National identity

cards are required for all citizens upon reaching the age of 18. Identification cards are used for voting, pension disbursement, social and financial inclusion programs, and other services.”

In 2018 the Islamabad High Court issued a judgment requiring citizens to declare an affidavit of faith to join the armed forces, judiciary, and civil services.⁷

Islam and a confused legal system

The Constitution establishes a Federal Shariat Court (FSC) composed of Muslim judges to examine and decide whether any law or provision is “repugnant to the injunctions of Islam.” The Constitution gives the FSC the power to examine a law of its own accord or at the request of the government or a private citizen. The Constitution requires the government to amend the law as directed by the FSC.⁸

Pakistan’s Penal Code encompasses a number of Islamic legal provisions. The judicial system encompasses several different court systems with overlapping and sometimes competing jurisdictions that reflect differences in civil, criminal, and Islamic jurisprudence. For certain criminal convictions under the Hudud Ordinances,⁹ including those for rape, extramarital sex, alcohol, and gambling, the Shariah bench of the Supreme Court and the FSC serve as appellate courts. The FSC has the power to review, of its own accord, cases in lower courts that relate to *hudud* laws and apply to Muslims and non-Muslims.

Anti-secular government

Government funding is available for Islamic clergy and the building and maintenance of mosques. This funding comes from a 2.5% tax the state levies on all Sunni Muslims. The funds are re-distributed amongst Sunni mosques, madrasahs, and charities. No other religious or non-religious groups are tithed.¹⁰

It is a constitutional requirement that the president and prime minister be Muslim. All senior officials, including members of parliament, must swear an oath to protect the country's Islamic identity and affirm their belief in the finality of the prophet Muhammad.¹¹

A total of 10 seats are reserved for non-Muslims in the 342-member National Assembly, while four seats are reserved for non-Muslims in the 104-member Senate. Provincial assemblies also reserve a select number of seats for non-Muslims. In all cases, political parties are responsible for selecting the individuals who hold such seats; they are not selected directly by the constituencies that they represent.¹² As atheism is unrecognized, it is not possible for a non-religious person to hold such a position.

Lawmakers or others that critically discuss the Islamist nature of the law, such as suggesting reform of blasphemy laws (see below) or any broader secular reforms, are exposed to potential assassination.¹³

Education and children's rights

In April 2021, the State began rolling out the first stage of its Single National Curriculum (SNC) with a view to standardizing the quality of education received by all children in the country. According to the Ministry of Education, the SNC "focusses on equipping learners with principles and attributes such as truthfulness, honesty, tolerance, respect, peaceful coexistence, environmental awareness & care, democracy, human rights, sustainable development, global citizenship, personal care and safety."¹⁴ The curriculum is being implemented in three stages: the first stage concerns the curriculum and textbooks of students in Grades 1-5 during the academic year of 2021-2022; the second stage will be implemented for Grades 6-8 in 2022-23; and the final phase, affecting Grades 9-12 is expected to be initiated in March 2023.

It remains unclear whether the changes implemented are enforceable, since the passage of the 18th Amendment in the Constitution of Pakistan in 2010¹⁵ gave the nation's Provinces the exclusive right to design their curriculum, syllabus and define their education standards.¹⁶ For the first phase, the Federal government has directed all provinces except Sindh to launch the SNC by ensuring its implementation in all public and private schools as well as in religious madrasahs.¹⁷

Prior to the design of the SNC, Islamic studies (the

"Islamiyat") was integrated with General Knowledge up to Grade 2 and started as a separate subject from Grade 3 onwards. In the SNC, Islamiyat starts from Grade 1 as a separate subject up to Grade 12. Research by newspaper *Dawn*, indicates that the learning requirements and outcomes of the new Islamiyat are even more demanding than those already required in madrasahs (religious schools).¹⁸ Primary school children are now required to have memorized 45 hadiths by Grade 5.

What was once the subject of Ethics – designated for non-Muslim students in lieu of Islamiyat from Grade 3 onwards – has been replaced by a new subject "Religious Education." This has been introduced for non-Muslim students from Grade 1 onwards for five minority groups in Pakistan (excluding the non-religious).¹⁹ It is unclear whether Muslim students will be required to study world religions, and it is unclear if the subject of ethics remains available for study for students of any belief group.

Islamic teachings also form the foundation of other compulsory subjects in the curriculum.²⁰ According to media reports, "9% of the content in class 3 English textbooks, violated Article 22. As students get older, the situation worsens. The same team found that 23% of the class 4 English textbook and 21% of the class 5 textbook, similarly run afoul of the constitutional safeguards [to protect the right of students to freedom of religion or belief in educational institutions]."²¹ Lessons in Urdu and English have included lessons already incorporated into the Islamiyat curriculum, often teaching about important religious figures.²² When challenged on the potential violation of Article 22 of the Constitution the Ministry of Education is reported to have stated that teachers should ask non-Muslim students to step out of the classroom during such sessions, but has not provided an indication on what alternative provisions, if any, should and will be made for them.²³

Until the SNC is implemented beyond Grades 1-5, Islamic studies are compulsory for all Muslim students in state-run schools.²⁴ Whilst non-Muslims are not required by law to take Islamic studies, and are offered ethical studies as an alternative in some schools, in practice no alternative to Islamic studies is usually available and by consequence many non-Muslims are required to take Islamic studies.²⁵ In some places, schools, teachers and students – girls in particular – have frequently been subject to violence and terrorism by the Taliban and other extremist groups.²⁶ Many children are unable to attend schools, many schools are run down, and the madrasahs, which in some areas provide the only available education, are notorious for teaching revisionist history and hatred of non-Islamic religions and people.²⁷

In April 2019, the Pakistani government said that it would be taking control of over 30,000 madrasah schools as part of a drive to "mainstream" the Islamic schools and address previously reported concerns regarding

the existence of textbooks, educational content and teaching that sought to devalue religious minorities in “an alarming number of schools.”²⁸

According to the US State Department International Religious Freedom report 2021:²⁹

“The constitution prohibits discriminatory admission based on religious affiliation to any governmental educational institution. According to regulations, the only factors affecting admission to government schools are students’ grades and home provinces, although students must declare their religious affiliation on application forms. This declaration is also required for private educational institutions, including universities. Students who identify themselves as Muslims must declare in writing they believe Mohammed is the final prophet. Non-Muslims are required to have the head of their local religious communities verify their religious affiliation. There is no provision in the law for atheists.”

Forced “conversions”

Forced “conversion” to Islam is a serious problem faced by some minorities in the country, usually targeting young women and girls as a way of forcibly marrying them into Muslim families.³⁰

According to the US State Department:³¹

“Representatives of the Kalash, an indigenous group in Khyber Pakhtunkhwa Province, continued to report their youth were under pressure from Muslim schoolteachers and others to convert from their traditional beliefs.”

Young women freed from suspected forced marriages for the purpose of conversion have often been reported to live in shelters following their release. On one occasion, one young woman was accused of ‘apostasy’ by local clerics who called for her death after she left her husband.³²

Family, community and society

The government designates religious affiliation on identity documents such as passports and in national identity card applications. Applicants must state their religion when applying for a passport. “No Religion” is not accepted as an answer.³³

Neither civil nor common law marriage are recognised in Pakistan, and religion predominates over family life and law in a variety of extremely prejudicial ways, including:³⁴

- Marriages are registered according to one’s religious identity (although there is no legal recognition of the non-religious), marriage

certificates are signed by religious authorities and registered with the local marriage registrar.

- The marriages of non-Muslim men remain legal upon conversion to Islam. However, if a non-Muslim woman converts to Islam and her marriage was performed according to her previous religious beliefs, the marriage is considered dissolved.
- Children born to non-Muslim women who convert to Islam after marriage are considered illegitimate.
- The children of a Muslim man and a Muslim woman who both convert from Islam are considered illegitimate, and the government has the power to take custody of them.

Family courts

In the absence of specific language in the law authorizing civil or common law marriage, marriage certificates are signed by religious authorities and registered with the local marriage registrar. The 2016 Sindh Hindu Marriage Act (as amended in 2018)³⁵ and the 2017 Hindu Marriage Act³⁶ (applying to all other provinces) codified legal mechanisms to formally register and prove the legitimacy of Hindu marriages.³⁷ However there remain challenges in the implementation of the Hindu Marriage Acts, which affect the realization of rights.³⁸

In addition, the Sindh Commission on the Status of Women has noted that the caste system within the Hindu community remains a large challenge to implementation, as cases of women and girls of lower castes are not afforded the same scrutiny as those belonging to higher castes.³⁹

Some personal laws regulating marriage, divorce, and inheritance for minority communities date from pre-partition British legislation.⁴⁰ Attempts in 2019 to replace legislation dating back to the 1800s governing Christian marriage and divorce were hampered by disagreements between different Christian denominations around Christian doctrine, specifically as it applies to divorce.⁴¹

Discrimination against women and LGBTI+ people

Women are placed at a disadvantage under personal status laws and face discrimination in practice.⁴²

In March 2021, the Pakistani Taliban threatened organizers of the ‘Aurat’ March (Women’s March held to coincide with International Women’s Day) with vigilante justice, writing that the march organizers needed to “[f]ix your ways, there are still many young Muslims here who know how to protect Islam and the boundaries set by Allah.”⁴³ Religious groups held demonstrations

in several cities to demand that the government prosecute the march organizers for blasphemy, and they threatened vigilante action.⁴⁴ The organizers were subsequently charged with “blasphemy.”⁴⁵

The organizers of the marches had aimed to draw attention to the challenges Pakistani women face in their daily lives using the slogan “my body, my control,” but were immediately met with a disinformation campaign designed to discredit them and paint them as immoral, which included doctored images and video clips.⁴⁶ Those sharing the content included journalists and political figures with social media followings reported to be in the millions.

Marchers were accused of displaying banners and chanting slogans with “blasphemous” content. They were also accused of “subscribing to a foreign agenda” after the red, white, and purple flag of the Women Democratic Front of Pakistan (WDF) – a feminist organization based in Islamabad – was falsely identified as the French flag.⁴⁷

LGBTI+ individual face discrimination and violence. Article 377 of the Penal Code⁴⁸ criminalizes “intercourse against the order of nature,” which is believed to deter people from acknowledging or publicizing their sexual or gender identities. Transgender and intersex people can register as a “third gender” in official documents, and some were recognized in the 2017 census. In 2018, the Parliament passed the Transgender Persons (Protection of Rights) Act,⁴⁹ granting transgender people the right to chose their gender and to have that recognized in official documents and the prohibition of depriving transgender people rights such as the right to vote.⁵⁰ However, it is reported that they face discrimination with regards to housing and employment in addition to violence and harassment.⁵¹ At least 65 transgender women have been killed in the Khyber Pakhtunkhwa province since 2015.⁵²

Freedom of expression, advocacy of humanist values

The right to freedom of expression, including media freedom, is frequently violated in Pakistan. Laws criminalizing sedition, defamation as well as terror offences are regularly used to silence critics. The 2016 Prevention of Electronic Crimes Act⁵³ has given the telecommunication authority unchecked powers to censor material online, often justified by an intention to remove blasphemous and pornographic content.⁵⁴

Freedom of the press

Human rights organizations report an increasing crackdown on press freedom. Journalists who publish critical pieces have been subjected to harassment, intimidation, censorship and even arrest. Women journalists report being subjected to a “well-defined and coordinated campaign” of social media attacks, including

death and rape threats against those whose reporting has been critical of the government.⁵⁵

Despite all the restrictions on free expression, Pakistan’s media is diverse and varied. This notwithstanding, blasphemy laws and other laws are used by the state to justify censorship. Journalists are targeted by non-state actors, as well as by political, military, and intelligence operatives.⁵⁶ In fear of their lives, journalists increasingly self-censor themselves.⁵⁷ Impunity in cases concerning murdered journalists remains the norm.⁵⁸

“Blasphemy” under the law

Chapter XV of Pakistan’s Penal Code contains a number of sections that institute blasphemy and religious defamation laws: Article 295-A outlaws “deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs”; Article 295-B outlaws the defaming of the Quran; Article 295-C bans the use of insulting remarks about the Prophet; Article 298 prohibits people from saying anything that has the deliberate intent to wound religious feelings; and Article 298-B punishes any misuse of epithets, descriptions, or titles reserved for certain holy personages or places.⁵⁹

Blasphemy laws are further bolstered by the Anti-Terrorism Act, which states that any action, including speech, intended to incite religious hatred is punishable by imprisonment.⁶⁰ Whilst applicable nationwide, the country’s blasphemy laws are used predominantly in the Punjab province, where local authorities have repeatedly sought to censor expressions deemed “blasphemous,” including textbooks.⁶¹

From 2010 onward, the government has been aggressive in its blocking of online “blasphemous” content. Under the 2016 Prevention of Electronic Crimes Act (PECA),⁶² the Ministry of Religious Affairs and Interfaith Harmony is responsible for reviewing internet traffic and reporting blasphemous or offensive content to the Pakistan Telecommunications Authority (PTA) for possible removal, or to the Federal Investigative Agency (FIA) for possible criminal prosecution.⁶³

Blasphemy laws carry the death penalty or life in prison, and tend to target non-believers, religious minorities and dissenting Muslims. Though there has been an effective moratorium on carrying out the death sentence in recent years, dozens of people remain on death row, and furthermore those accused of blasphemy are often murdered before or after, and in some cases during, any trial that takes place (see below).⁶⁴

Notably, for a charge of blasphemy to be made in Pakistan an allegation is all that is required – and it may be highly subjective, since the law does not provide clear guidance on what constitutes a violation. Proof of intent or evidence against the alleged is not necessary.

The real victims of blasphemy laws: those who are accused

Most “blasphemy” cases are either brought by those wishing to undermine minority groups or by those wishing to eliminate individuals against whom they have a grudge. The mere accusation of “blasphemy” against someone can result in the accused’s life being endangered. *Mullahs* will often come to court to intimidate the judiciary, and obtaining a lawyer to ensure a fair trial is often impossible. In a recent incident, in July 2020, an Ahmadi man was shot dead in court while standing trial for “blasphemy.”⁶⁵

Those accused of “blasphemy,” and who have been acquitted by the courts, often either flee Pakistan or are assassinated on their release from jail. Further, those who represent alleged “blasphemers” run the risk of being accused of apostasy. In May 2014, Rashid Rehman, the lawyer for Junaid Hafeez, was shot dead for representing him.⁶⁶

Most recently, Saif ul Malook – who represented Asia Bibi, a Christian woman convicted and subsequently acquitted of blasphemy charges, as well as Christian couple Shagufta Kausar and her husband Shafqat Emmanuel whose conviction for “blasphemy” were quashed in June 2021⁶⁷ – has reported receiving death threats on social media as a result of his work on cases of Christians who have fallen foul of the law.⁶⁸

Prosecuting those who commit murder in the name of winning retribution against “blasphemers” is also problematized by Islamists and others who intimidate or threaten prosecutors.⁶⁹ In 2017 the lead prosecutor of the killers of Mashal Khan (see Highlighted Cases below) was forced to quit reportedly under extreme pressure from the families of the accused.⁷⁰

Blasphemy laws are also used specifically against the minority Ahmadi community. Article 298 of Pakistan’s Penal Code contains anti-Ahmadiyya blasphemy legislation. Whilst Ahmadis have the Quran as their holy book, they can be punished with up to three years in prison by just referring to their faith as Islam.

Amnesty International has indicated that accusations of “blasphemy” have “widened to include artists, human rights defenders and journalists” since 2020.⁷¹ In August, police reportedly filed a case against female actor Saba Qamar and male singer Bilal Saeed for recording a music video in a mosque. The clip was released online and led to large protests in the city of Lahore during which the leaders of religious party Tehreek-i-Labbaik Pakistan threatened “vengeance” against the artists. That same month, the police filed a case against journalist and human rights defender Marvi Sirmed under Pakistan’s blasphemy laws for a tweet she posted.⁷²

Academics have also fallen foul of these laws.⁷³ In June 2020, professor Sajid Soomro – an author and professor at Shah Abdul Latif University – was reportedly arrested from his home in Khairpur, in Pakistan’s Sindh province, on charges of having violated Section 295-A.⁷⁴ Weeks later, another academic Dr Afanah Mallah faced accusations of blasphemy for coming to Soomro’s defense.⁷⁵

Blasphemy laws: some individual victims

Perhaps the most famous cases of those killed extrajudicially in relation to blasphemy laws are Salman Taseer and Shahbaz Bhatti. On 4 January 2011, the then-governor of Punjab state, Salman Taseer, was gunned down by his own bodyguard, Mumtaz Qadri, in broad daylight at Islamabad’s Kohsar Market. Qadri said he killed Taseer over what he called the politician’s vocal opposition to blasphemy laws. Two weeks after Taseer was killed, the only Christian minister in the federal cabinet, Shahbaz Bhatti, was gunned down in Islamabad. He too was a critic of the blasphemy laws.⁷⁶

Politicians are only the most high profile of numerous other cases in which individuals are either locked up for many years awaiting various long-drawn out stages of the trial process, or are hurt or killed extrajudicially. The victims frequently include children, minorities, and other vulnerable people.

In late July 2021, an eight-year old Hindu boy was accused of intentionally urinating on a carpet in the library of an Islamic religious school, where religious books were kept; he was the youngest person to be charged with “blasphemy.”⁷⁷ Details on how the situation escalated to the boy being charged are unclear. The child spent one week in jail without understanding the situation, a family member told the Guardian.⁷⁸ When the child was released on bail, anger broke out in the conservative Muslim community. A crowd attacked the local Hindu temple, burning down the door and destroying the idols.⁷⁹ Hindu residents of Rahim Yar Khan reportedly fled their homes in fear of further escalation. The boy and his family are now in protective custody for fear of reprisals.

Attacks on places of worship have been increasing in the last few years, including the Mata Rani Bhatiyani Mandir Hindu temple in Sindh in January 2020, the Sikh Gurudwara Shri Janam Sthan in January 2020, and a Hindu temple in Karak in Khyber Pakhtunkhwa in December 2020.⁸⁰ The government in Pakistan has reportedly failed to address the issue.

In two separate incidents in 2019, mobs attacked Hindu properties and places of worship in the southern Sindh province after allegations of “blasphemy” were made against a Hindu school principal and a Hindu veterinarian.⁸¹

On 1 January 2021, an Anti-Terrorism Court in Islamabad reportedly sentenced three men to death for “blasphemy” on social media, and condemned a fourth person to 10 years in prison. In addition the court issued perpetual arrest warrants for four others implicated in the case, who remained at large, according to the Pakistani daily newspaper *Dawn*.⁸² The four were among 17 originally arrested in March 2017 pending an investigation into allegations that they had shared objectionable or “blasphemous” content on social media.⁸³

In May 2021, tiktoker Jannat Mirza was reportedly charged with “blasphemy” under section 295-A of the Penal Code after she was pictured wearing a cross strung from her waist. Charges were filed by Christian pastors who claimed that Mirza’s actions had hurt the religious sentiments of thousands of Christians living in the country.⁸⁴

Apostasy

Pakistan has no specific statutory law that criminalizes apostasy. However, renouncing Islam is widely considered by clerics to be a form of “blasphemy.”⁸⁵

Civil society

The Pakistani government is known to harass – and at times prosecute – human rights defenders, lawyers, and journalists for criticizing government officials and policies.⁸⁶

According to Human Rights Watch, in 2020:⁸⁷

“Authorities used draconian sedition and counterterrorism laws to stifle dissent, and strictly regulated civil society groups and organizations critical of government actions or policies.

[...]

Nongovernmental organizations (NGOs) reported intimidation, harassment, and surveillance [...] by government authorities. The government used the “Regulation of INGOs in Pakistan” policy to impede the registration and functioning of international humanitarian and human rights groups.”

According to the US State Department’s 2021 International Religious Freedom Report:⁸⁸

“Human rights and religious freedom activists and members of minority religious groups continued to report that they exercised caution and, occasionally, self-censorship when speaking in favor of religious tolerance because of a societal climate of intolerance and fear. Some activists reported receiving death threats because of their work.”

Enforced disappearances

According to Amnesty International, in 2020:⁸⁹

“The use of enforced disappearances to punish dissent became more public and widespread, with people being abducted by intelligence agencies in broad daylight from urban centres.”

Among those who have faced detention are human rights defenders. Despite the government taking some steps to criminalize the practice of enforced disappearance, there exists a culture of impunity for those accountable, who are known to include law enforcement agencies.⁹⁰

Highlighted cases

Mashal Khan, a student who referred to himself as a ‘humanist’ on his Facebook page, was murdered by his fellow university students for alleged “blasphemy,” on 13 April 2017.⁹¹ According to Pakistani media, a large group of students were involved in the attack after Khan was accused of posting “blasphemous” content online. Khan appears to have posted routinely against discrimination and in favor of human dignity. Khan was reportedly shot in the head and then beaten with sticks. Video footage circulated on social media that showed his lifeless body being attacked. Police were reportedly present during the attack but claimed they were unable to intervene due to the large number of attackers present. The official police report into Mashal’s death says there is no evidence supporting any “blasphemy” allegation. 57 suspects went on trial in 2017. The court convicted 31 people, sentenced one individual to death, two more to life imprisonment, while acquitting 26 individuals.⁹² Mashal Khan’s father, Iqbal Khan, is reported to have said he rejected any attempt at “reconciliation” by the families of those who killed his son, saying “If someone wants it [reconciliation] then he should watch the videos of the brutal killing of my son.”⁹³ In November 2020, Peshawar High Court reportedly commuted the death sentence handed down to one of the individuals convicted of Khan’s lynching – the only one to be sentenced to death. The court dismissed all other appeals, maintaining the life sentences and jail terms awarded to the 32 other convicts.⁹⁴ However, in January 2022, the Supreme Court agreed to hear a set of appeals by the Khyber Pakhtunkhwa government seeking to enhance the sentences of those convicted of Khan’s murder. The three-court bench is also expected to hear appeals for acquittal of several individuals convicted.⁹⁵

In January 2017, several bloggers and activists accused of atheism or “blasphemy” were reportedly forcibly disappeared apparently by state security services.⁹⁶ When they were released, some reported having been tortured in detention.

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²⁸ <https://www.reuters.com/article/us-pakistan-madrasas/pakistan-plans-to-bring-30000-madrasas-under-government-control-idUSKCN1S517Z>; <https://www.uscirf.gov/sites/default/files/Pakistan%202014.pdf>; <https://www.uscirf.gov/sites/default/files/Pakistan.pdf>

³⁰ [bbc.co.uk/news/world-asia-29008267](https://www.bbc.co.uk/news/world-asia-29008267); <https://www.state.gov/reports/2020-report-on-international-religious-freedom/pakistan/>

³⁴ <https://www.state.gov/wp-content/uploads/2020/05/PAKISTAN-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

³⁵ <http://sindhlaws.gov.pk/setup/publications/PUB-18-000069.pdf>

³⁶ https://na.gov.pk/uploads/documents/1491458181_468.pdf

³⁸ <https://www.dawn.com/news/1632510/implementation-of-hindu-marriage-law-remains-a-challenge-moot-told>; <https://timesofindia.indiatimes.com/world/pakistan/pak-hindus-deprived-of-legal-marital-rights/articleshow/81012720.cms>

³⁹ <https://www.dawn.com/news/1632510/implementation-of-hindu-marriage-law-remains-a-challenge-moot-told>

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⁴³ <https://tribune.com.pk/story/2291634/peshawar-court-orders-registration-of-fir-against-aurat-march-islamabad-organisers>

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⁴⁶ <https://theprint.in/go-to-pakistan/pakistanis-cry-blasphe-my-on-twitter-after-spotting-french-flag-at-aurat-march/619720/>

⁴⁷ <https://factcheck.afp.com/flag-pakistani-feminist-organisation-and-shows-purple-not-blue-found-french-tricolour-flag>

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⁴⁹ https://na.gov.pk/uploads/documents/1614147088_465.pdf; <https://www.icj.org/wp-content/uploads/2020/03/Pakistan-Transgender-Advocacy-Analysis-brief-2020-ENG.pdf>

⁵⁰ <https://www.npr.org/sections/thetwo-way/2018/05/09/609700652/pakistan-passes-historic-transgender-rights-bill?t=1603895179330>

⁵¹ <https://www.bsg.ox.ac.uk/blog/we-might-die-hunger-being-killed-virus-how-covid-19-compounds-challenges-pakistans-transgender>; <https://www.hrw.org/world-report/2021/country-chapters/pakistan#72d33e>

^{52, 57} <https://www.hrw.org/world-report/2021/country-chapters/pakistan#72d33e>

^{53, 62} https://na.gov.pk/uploads/documents/1472635250_246.pdf

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⁵⁵ <https://www.hrw.org/world-report/2021/country-chapters/pakistan#e81181>; <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/pakistan/report-pakistan/>

⁵⁶ <https://rsf.org/en/pakistan>

⁵⁸ <https://freedomhouse.org/country/pakistan/freedom-world/2020>; <https://www.hrw.org/world-report/2021/country-chapters/pakistan#e81181>

⁶⁰ Anti-terrorism Act 1997: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81777/88943/F435058093/PAK81777.pdf> (and amendments see, https://na.gov.pk/en/search_content.php)

⁶¹ <https://end-blasphe-my-laws.org/countries/asia-central-southern-and-south-eastern/pakistan/>

⁶³ <https://www.state.gov/reports/2021-report-on-international-religious-freedom/pakistan/>; <https://www.state.gov/wp-content/uploads/2020/05/PAKISTAN-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

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⁷⁴ <https://humanists.international/2020/06/pakistani-authorities-should-release-professor-detained-on-blasphemy-charges/>

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⁷⁶ <https://www.bbc.com/news/world-south-asia-12111831>

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⁷⁸ <https://amp.theguardian.com/global-development/2021/aug/09/eight-year-old-becomes-youngest-person-charged-with-blasphemy-in-pakistan>

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Philippines

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|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|

The Philippines is an archipelago of 7,641 islands, of which seven host the majority of the 109 million population, the second largest population of countries in the ASEAN (Association of Southeast Asian Nations).¹ Spanish and US influences remain strong, especially in terms of religion (mainly Roman Catholic) and government. Nominally Roman Catholics are a

significant majority religion (80%), with Islam as a minority religion (5.6%).² According to a survey released in 2010 by the Social Weather Station, 83% of Filipinos regard religion as very important in their lives.³ The Philippines has a number of active human rights and non-religious groups.

| Constitution and government | Education and children's rights | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
|---|--|--|---|
| <p>There is systematic religious privilege</p> <p>Preferential treatment is given to a religion or religion in general</p> <p>Legal or constitutional provisions exclude non-religious views from freedom of belief</p> | <p>There is state funding of at least some religious schools</p> <p>Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</p> | <p>Some religious courts rule in civil or family matters on a coercive or discriminatory basis</p> <p>Discriminatory prominence is given to religious bodies, traditions or leaders</p> <p>Religious groups control some public or social services</p> | <p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <p>Blasphemy or criticism of religion is restricted in law and is punishable by a fine</p> |
| <p>Official symbolic deference to religion</p> <p>Anomalous discrimination by local or provincial authorities, or overseas territories</p> | | <p>Religious courts or tribunals rule directly on some family or 'moral' matters; it is legally an opt-in system, but the possibility of social coercion is very clear</p> | <p>Some concerns about political or media freedoms, not specific to the non-religious</p> <p>Concerns that secular or religious authorities interfere in specifically religious freedoms</p> |

Constitution and government

The Constitution⁴ declares the separation of church and state as inviolable (Section 6), while also invoking "almighty God" in the preamble. There is no state religion, however, in practice, both Roman Catholic and Islamic religions have close associations with the government.

Article III Section 5 of the Constitution states:

"No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights."

The law treats intentional attacks directed against religiously affiliated buildings or facilities as war crimes or crimes against international humanitarian law.⁵ Additionally, the law forbids public officials from

interrupting religious worship, as well as any person “notoriously” offending religious feelings during such services or in a place of worship.⁶

The Constitution also grants tax exemptions to “[c]haritable institutions, churches and parsonages or convents appurtenant thereto, mosques, non-profit cemeteries, and all lands, buildings, and improvements, actually, directly, and exclusively used for religious, charitable, or educational purposes” (Article VI, Section 27(3)). Section 29 of the same article, provides that no public funding shall be given to any religious group or members of their clergy unless they are assigned to work in the military, prisons or government orphanages. In a nation in which church-state separation is the law of the land, it has long been controversial that the Philippine National Police (PNP) established the PNP Chaplain Service (CHS), a group of 21 cop-priests nationwide who consider themselves as “shepherds” of the 190,000-strong police force. The CHS has provided pastoral and religious services, spiritual guidance and counseling since 1992.⁷

Religious groups are not required to register with the state.

Magna Carta of religious freedom

On 24 March 2021, the Philippine House of Representatives’ Committee on Human Rights approved the ‘Magna Carta of Religious Freedom,’ a bill supposedly aimed at protecting the right of the public to freedom of religion or belief, but instead gives preferential treatment to religious groups, while completely excluding humanists and the non-religious.⁸

The bill disregards the contributions of humanists to the human rights movement, stating in its preamble that “significant moral advances”, such as the worldwide abolition of slavery “have been initiated by religious principles [...] and religious preaching [...] not secular ethics.”

Of particular concern is the fact that individuals and organizations could face financial penalties and incarceration for failing to observe religious freedoms. Depending on how the law is enforced by courts, this could be punitive for civil society groups that lobby for causes perceived to be ‘anti-religion,’ like reproductive rights or gender equality.

The bill was approved on its third reading by the House of Representatives during the 18th Congress in January 2022.⁹ It now awaits the approval of the Senate.

Catholic privilege and pressure

Successive governments have generally avoided taking strong measures to curb the birth rate for fear of antagonizing the Catholic Church. In 2013, several

dioceses publicly opposed the re-election of specific senators and House members who voted in support of the 2012 Responsible Parenthood and Reproductive Health Act (RH Law), which provided for free contraceptives at government health clinics. A measure of the government’s sensitivity to the Catholic Church was the use of an obscure article of the Penal Code which criminalizes acts that “offend religious feelings.” The law was used for the first time in January 2013 to convict Carlos Celdran (see ‘Highlighted cases’).

Muslim privilege

Driven in large measure by secessionist violence based on perceived discrimination against Muslims (in two Southern Islands), the government has also given Muslim interests a preferential relationship with the government. The National Commission on Muslim Filipinos (NCMF), a part of the Office of the President, promotes the rights of Muslims at both the national and local levels, and supports economic, educational, cultural, and infrastructure programs for Muslim communities. NCMF’s Bureau of Pilgrimage and Endowment administers logistics for the *Hajj*. It also administers *awqaf*, an endowment for the upkeep of Islamic properties and institutions, and oversees establishment and maintenance of Islamic centers and other projects. The Office of the Presidential Assistant for Muslim Concerns helps coordinate relations with countries that have large Islamic populations and contributes to economic development and the peace process.

The Code of Muslim Personal Laws recognizes Sharia as part of national law; it does not apply in criminal matters and applies only to Muslims. Sharia courts are organized into five sharia districts, all located in the south of the country; Muslims residing in other areas must travel to one of these districts to pursue an action in a sharia court. The state court hears cases involving Muslim and non-Muslim respondents, and national laws apply.¹⁰

On 26 July 2018, then President Rodrigo Duterte signed the Bangsamoro Organic Law (BOL), creating the Bangsamoro Autonomous Region in Mindanao, home to Muslims who have fought for self-determination, and aspirations for a peaceful and progressive region. The BOL was the result of decades-long peace negotiations between rebel groups in Mindanao, mainly the Moro Islamic Liberation Front (MILF), and the Philippine Government.¹¹

Education and children’s rights

Under the Constitution, all educational institutions must teach the Constitution as part of the curriculum. The stated goal of education is to instill “patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights

and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency” (Article XIV, Section 3(2)).

The government permits religious instruction in public schools with written parental consent, provided there is no cost to the government (Article XIV, Section 3(3)). Based on a traditional policy of promoting moral education, local public schools give religious groups the opportunity to teach moral values during school hours. Attendance is not mandatory and the various groups share classroom space. The government also allows groups to distribute religious literature in public schools. By law, public schools must ensure the religious rights of students are protected. Muslim students may wear the *hijab*.¹²

In 2019, Minority Leader Bienvenido Abante Jr of the House of Representatives passed House Bill 2069 or the Mandatory Bible Reading Act of 2019 that provides for the reading, discussion, and examination of the Bible in the English and Filipino language in public elementary and high schools. Abante, who is also a pastor, said that the Bible served as a book of “righteous instructions, principles and standards, discipline, and a book of moral and spiritual values,” which would strengthen the youth’s moral, spiritual, ethical, intellectual and social character, and personal discipline.¹³

Family, community and society

The RH Law

Culturally dominated by Catholicism, the Philippines is the only country in the world, other than the Holy See, to ban divorce.

Despite several legal challenges from conservative Catholic groups, in April 2014, the Supreme Court of the Philippines unanimously approved the ground-breaking Responsible Parenthood and Reproductive Health Act of 2012 (the RH Law), which requires government health centers to provide access to family planning and reproductive health services including recognizing a woman’s right to post-abortion care, and mandates reproductive health education in government schools.

The Supreme Court struck down a number of provisions in the RH Law including the requirement for spousal consent for women in non-life-threatening circumstances, parental consent for minors seeking medical attention who have been pregnant or had a miscarriage. The Act gives health care providers the right to deny reproductive health services to patients based on their own personal or religious beliefs in non-emergency situations.

It is estimated that the Filipino government’s long-standing hostility towards modern contraception has contributed to the deaths of at least 4,500 women due to pregnancy complications, 800,000 unintended births and 475,000 illegal abortions each year.¹⁴

LGBTI+ rights

Widespread and systematic human rights violations and discrimination on the basis of sexual orientation and gender identity persist in the Philippines. The Sexual Orientation and Gender Identity Expression (SOGIE) Bill is meant to fulfill the rights set forth in the Constitution, particularly the equal protection clause to prohibit discrimination against individuals on the basis of their sexual orientation, gender identity or expression.¹⁵ Though the earliest version of the SOGIE Bill passed in 2000, it has yet to become a law, making it one of the slowest moving bills in Philippine history due to opposition and pressure by religious institutions. Significant faith-based opposition to the SOGIE Bill argues that the bill amounts to a “destruction of society and family.”¹⁶

Criminalization of indigenous peoples

Trumped-up criminal charges are brought against leaders of indigenous peoples defending their rights over their land, which are the target of capitalists and multi-national business interests.

UN Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz has referred to the treatment of indigenous peoples in the Philippines as the “criminalization of indigenous peoples.”¹⁷

Freedom of expression, advocacy of humanist values

Media freedom

Press freedom is guaranteed under the Constitution, but violence against media workers has been a serious problem. Cyber libel laws are regularly used against journalists and are punishable by up to eight years in prison. In 2022, then President Duterte made way for Ferdinand “Bongbong” Marcos – son of former dictator Ferdinand Marcos who implemented martial law in the Philippines.¹⁸ At the time of writing, there appeared to be no improvements in the media freedom landscape from the Duterte administration.¹⁹

Thirty days prior to his inauguration, then President Duterte stated during a press conference that, “[j]ust because you’re a journalist you are not exempted from assassination, if you’re a son of a bitch.” According to PEN International, “It was the first of several attacks against the Philippine press, which sparked a political climate conducive to authoritarianism. Not only that, the

resulting climate of impunity pushed the gains of human rights advocates several steps back.”²⁰

The Duterte administration utilized an army of trolls to harass and intimidate those critical of the government and its “war on drugs.”²¹

A SWS survey shows more than half of the journalists surveyed agreeing that, “it is dangerous to print or broadcast anything critical of the administration, even if it is the truth.”²² In spite of the stifling climate for freedom of expression, journalists have continued to report.

Journalist and author Maria Ressa, and the independent news site she founded, have faced a litany of lawsuits. Among them in February 2019, when Ressa was charged with cyber libel for a story that was published, and even though the law had yet to be enacted. In July 2022, Ressa was convicted of cyber libel on appeal and sentenced to more than six years in prison.²³

In December 2019, ten years after the Maguindanao massacre²⁴ in which 32 journalists were among 58 people killed in the Philippines, 43 individuals, including eight members of the notorious Ampatuan clan that holds political influence in the region were sentenced to up to 40 years in prison.²⁵ According to CNN, of the 197 people charged with murder, eight have since died, while another 80 other suspects are reported to remain at large, including police officers and additional members of the Ampatuan family.²⁶

De facto “blasphemy law”

The Roman Catholic Church in the Philippines has historically played a significant role in politics.

Section 4 of the revised penal code (largely unchanged since 1930) covers “Crimes against religious worship,” including a ban on “interruption of religious worship” (Article 132) and more pertinently, “offending the religious feelings” (Article 133):

“Offending the religious feelings. – The penalty of arresto mayor [suspension of suffrage] in its maximum period to prison correctional in its minimum period [from 6 months 1 day, up to 2 years 4 months] shall be imposed upon anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony shall perform acts notoriously offensive to the feelings of the faithful.”

Broader human rights issues

Since now ex-President Rodrigo Duterte’s “war on drugs” campaign in 2016, official reports indicate that at least 8,663 people have been killed, mostly urban poor, with some estimates putting the real death count to more

than triple of that number. The UN also warned of ‘impunity’ and called for an independent investigation into abuses in their 26-page report released in July 2020.²⁷

In December 2017, PNP Drug Enforcement Group chief Joseph Adnol issued a statement that body cameras are “not necessary” in their operations and said, “Our camera as policemen is God.” The statement came after the public made clamor on the wrongful killing of 17-year-old Kian Delos Santos by police officers in an alleged operation in Caloocan City.²⁸

Highlighted cases

In 2012, the crime of “offending religious feelings” was used to convict **Carlos Celdran** for protesting the Catholic Church’s opposition to the Reproductive Health Law. Celdran was a performing artist and cultural activist promoting HIV/AIDS awareness and reproductive health. In 2010, Celdran entered Manila Cathedral during mass to stage a protest action against Church opposition to the reproductive health bill. Celdran dressed as Filipino national hero José Rizal carrying a sign and shouting “Stop getting involved in politics!” He was escorted out by police and later sued by the Catholic Bishops Conference of the Philippines for “offending religious feelings”. Following an unsuccessful appeal against his conviction, Celdran went into exile in 2018,²⁹ where he died of a heart attack, aged 46, on 8 October 2019.³⁰

Testimonies

“It saddens me to hear this decision upholding my conviction for ‘offending religious feelings.’ I’m sad not only for my case in particular, but for the Philippines as well. This conviction is just a symptom of a larger disease,”

“There is a bigger picture of corruption and patronage in the Philippine justice system. We need to address these issues if ever we are to move forward as a people.”

— Carlos Celdran

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Senegal

| | | | |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|

A constitutionally secular state, Senegal gained independence from France in 1960. French remains the official language. The population of 16 million is estimated to be 96% Muslim, located mostly in the North of the country. The majority of Muslims are Sunni but belong to different Sufi brotherhoods, some of which include indigenous beliefs.¹ Although the Senegalese state is secular, Islam remains an important pillar of the national consciousness and social organization of the

country.² Christians are estimated to account for 3% of the population, and are concentrated in the South-West of Senegal. Christians are generally Catholics, but protestants and other forms of Christian indigenous practices are also represented.³ There is no available data on the number of non-religious individuals in the country.

| Constitution and government | Education and children's rights | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
|--|--|--|--|
| | | <p>The dominant influence of religion in public life undermines the right to equality and/or non-discrimination</p> <p>It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization</p> | |
| <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p> | <p>There is state funding of at least some religious schools</p> | | <p>Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted</p> |
| | <p>State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional</p> | <p>Religious courts or tribunals rule directly on some family or 'moral' matters; it is legally an opt-in system, but the possibility of social coercion is very clear</p> | |

Constitution and government

The Constitution⁴ and other laws and policies protect "religious freedom" ("les libertés religieuses"), freedom of expression, and freedom of assembly and association (Article 8). The right to freedom of belief is generally respected in practice.

The first article of the Senegalese Constitution affirms the state's secularism and the principle of equality "without distinction of origin, race, sex [and] religion." However, the same article highlights the national motto, "One People – One Goal – One Faith."

The Constitution states religious freedom must be respected and religious discrimination is punishable by law. It prevents political parties from having a religious affiliation (Article 4), and guarantees religious communities the right to practice their religion and organize autonomously (Article 24).

In order to operate, religious or secular associations have to be registered with the government and obtain the authorization from the Ministry of Women, Family, Gender and Child Protection. Foreign organizations must also obtain an approval from the Ministry of Foreign Affairs.⁵ This allows the state to monitor their programs and grant funds. Religious groups can be financially assisted by the government to maintain their place of worship or fund special events, such as the pilgrimage to Mecca or to the Vatican.⁶

Education and children's rights

The government subsidizes schools run by religious groups if they meet national education standards, but the majority of the funds are allocated to long-established Christian schools with a reputation for high quality teaching.⁷

Up to four hours per week of voluntary single-religious instruction (Christian or Islamic) are permitted in both public and private elementary schools. Parents are able to choose between the Christian or Islamic curriculum. Theoretically at least, students may also opt out. The Ministry of Education reported slightly more than a million students participated in religious education through the public elementary school system in 2017.⁸

By law, "the profession of religious educator" is guaranteed although "subject to public order."⁹

Religious influence on sex education

According to Human Rights Watch, schools do not provide "adequate, comprehensive and scientifically-accurate content on sexuality or reproduction." In the majority of schools, sexual health is taught through abstinence.¹⁰

Child rights

Harmful traditional practices

Female sexual health remains precarious, with high rates of female genital mutilation amongst women aged 0 to 14, which worsened during the COVID-19 pandemic. In 2016, an estimated 14% of girls under 15 underwent female genital mutilation/cutting and 31.5% of women aged 20 to 24 years old were married by age 18. The 2016, UNICEF gender assessment reported child marriage, early pregnancy and other harmful practices affecting girls. Adolescents, especially girls, have limited

access to "life-skills education, reproductive health services, proper menstrual hygiene or information about HIV prevention." Abortion remains illegal in the country.¹¹

A common practice in Senegal is the "*confiage*" of children, namely sending children from rural areas to the cities in order for them to send money back to their families. Girls either become maids, living in precarious situations, or are forced to become sex workers from the age of 13.¹² Boys are sent to Quranic schools, where child exploitation and abuse have been reported. According to Human Rights Watch, more than 100,000 children in Quranic schools live without adequate food or medical care and are victims of exploitation, violence, sexual abuse, forced to beg in the street.¹³ The government reportedly works with Muslim religious leaders to fight against child abuse in some Quranic schools.¹⁴ Finally, children with disabilities are particularly subject to abuse, sex and forced begging.¹⁵

Strict domestic legislation outlawing child abuse and human trafficking has remained ineffective.¹⁶

In 2022, the government launched its third national strategy to combat female genital mutilation and sexual violence, whilst taking meaningful steps to promote girls' education. Although allowing for progress in certain areas, these programs remain underfunded.¹⁷

Family, community and society

Religious organizations maintain an important role in the Senegalese social and political life. Muslim and Christian leaders are often influential in politics and play an essential role to appease periods of tensions in the country. For instance, during the Casamance military crisis in 2021, the Catholic Church became the mediator between government forces and the Casamance Independence movement.¹⁸

Family law

Muslims may choose either the civil Family Code¹⁹ or Islamic law to adjudicate family conflicts, such as marriage and inheritance disputes. Civil court judges preside over civil and customary law cases, however religious leaders informally settle many disputes among Muslims, particularly in rural areas.²⁰

Patriarchal repression

Senegalese society and institutions remain significantly patriarchal, exposing women to recurrent discrimination, inequality and violence. Despite having signed all international human rights conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDEF-CEDAW) and the Protocol to the African Charter on Human and Peoples'

Rights on the Rights of Women in Africa (PCADHPDFA) in 2004, Senegalese laws and their application by local and national tribunals maintain an unequal and discriminatory system for women.²¹

While the legal age of marriage is set at 18 for boys, the Family Code allows girls to be married at 16 and sometimes even younger if they are granted an “age waiver” by the President of the High Court. Moreover, the Criminal Code does not recognize as an offense criminal marriage and sexual relations in the context of marriage with a minor over 13 years of age.²² Article 152 of the Family Code also establishes the husband as the head of the household, allowing him, for instance, to decide the location of the family’s residency. Polygamy is allowed for men and forbidden for women.²³

Sexual violence is a great concern in Senegal. In schools, girls, often minors, are victims of high rates of sexual and gender-based violence by teachers and other school personnel who abuse their positions of power. A Human Rights Watch report found that the majority of these incidents are not reported and offenders are rarely held accountable. The report highlighted that a legally mandated national code of conduct that spells out the duties of educators toward pupils is lacking in Senegal.²⁴ According to a BBC investigation, sexual violence against women is also recurrent. In February 2022, many women reported being sexually assaulted during the Africa Cup of Nations’ celebrations.²⁵

The government has taken measures recognized by the UN to promote women’s rights and empowerment. In 2013, it adopted a child protection strategy, reinforced in 2020 by a law criminalizing acts of rape and pedophilia. In 2021, it began implementing an electronic platform to anonymously report sexual violence. Moreover, the “Act on absolute parity between men and women” (2010) in all elective institutions has allowed Senegal to climb to seventh place in the world for the representation of women in Parliament.²⁶ However, NGOs have criticized its only partial implementation some 10 years later.²⁷

LGBTI+ discrimination

In Senegal, homosexuality is punishable with up to 5 years of prison. LGBTI+ people have reported recurrent threats and cases of physical aggression. According to some activists, at least 150 queer people have been threatened, while dozens of assaults have been reported since the beginning of the year.²⁸ One expert also expressed her deep concern at “the proliferation of hate speech and incitement to violence against the LGBTI community in the media” in Senegal.²⁹

According to Freedom House’s *Freedom in the World 2022* report:³⁰

“hundreds of protesters rallied to protest against LGBT+ rights, demanding that the government

increase criminal penalties for same-sex sexual activity. Draft legislation that would lengthen prison sentences for people convicted of same-sex sexual activity and impose criminal penalties on those who finance or publicly support “any activity relating to the LGBT+ agenda” was introduced in December [2021].”

The proposed legislation would also place an effective ban on NGOs working to promote LGBTI+ rights.

Freedom of expression, advocacy of humanist values

Freedom of expression is enshrined in the Constitution, and Senegal is known for its diverse and lively independent media landscape. However, recent developments, including the enactment of criminal defamation laws, raise concerns that freedom of expression may be being increasingly restricted, especially in cases of dissent.

The Senegalese President stills holds the power to choose the members of council in charge of regulating the audiovisual sector, which has been denounced by civil society organizations as an impediment to the neutrality and freedom of press.

Media freedom

In recent years, several journalists have been targeted for expressing opposition to the government. In the run-up to the 2012 presidential election, at least a dozen incidents of security or other government officials harassing, threatening, or physically harming journalists were documented. In an August 2013 libel case, a Dakar criminal court closed the newspaper *Le Quotidien* for three months and sentenced its editor, Madiambal Diagne, to a month in prison and ordered a payment of damages of 10 million CFA francs (c.US\$20,000) for an article criticizing a former foreign minister.³¹ International and local journalists have also been the victims of increased aggressions, sometimes being robbed or physically attacked. For instance, Reporter Sans Frontière reported that in 2021, journalists from “Futurs Médias” and “Le Soleil” had their material and offices damaged.³²

Legal restrictions on expression and assembly

In 2021, two new counterterrorism laws were passed criminalizing terrorist acts including “seriously disturbing public order,” “criminal association,” and “offenses linked to information and communication technologies.” By not defining the concepts utilized, the laws have been criticized by civil society groups as putting the rights to freedom of expression and assembly at risk.³³ The new laws also enhance law

enforcement powers to surveil terrorism suspects without a judge's authorization.³⁴

Freedom of assembly

According to ARTICLE19:³⁵

"Between March and May 2020, the Senegalese Government adopted a series of administrative orders and decrees banning all protests in the country and imposing restrictions on freedom of movement to deal with the coronavirus pandemic. Some of these orders were adopted before the Government declared a state of emergency and imposed disproportionate restrictions on the rights to freedom of expression and freedom of assembly in violation of international law."

Disproportionate use of force

During demonstrations against the government in 2022, state security used disproportionate force on protesters, arresting 100 people and firing teargas and live bullets into the crowd.³⁶ Radio France Internationale (RFI) reported that at least 10 people died during similar repression of anti-government protests in 2021, with at least 8 of those caused by the excessive use of force by security forces.³⁷ In a 5 March speech, Interior Minister Antoine Félix Abdoulaye Diome said the protests were "acts of terror," "insurrection," "vandalism," and "banditry," and were illegal due to the state of emergency for the COVID-19 pandemic.³⁸

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Sri Lanka

| Const/Govt | Edu/Child | Society/Comm | Expression |
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The Democratic Socialist Republic of Sri Lanka is a country of just over 20 million people occupying an island in the northern Indian Ocean. Formerly part of the British Empire, “Ceylon” attained independence in 1948, and became a republic in 1972.

According to the 2012 census, the Sinhalese make up 74.9% of the population and are predominantly Buddhist, or belong to the minority Christian community. Tamils comprise approximately 15.3% of the population and are mainly Hindus, with some belonging to Christian churches. Just over 70% of the population are followers of Theravada Buddhism. There are significant minorities of Hindus (12.6%), Muslims (9.7%) and Christians (7.4%). The census indicates that most Muslims are Sunni and Christians are mainly Roman

Catholic, however there are small numbers of Baha’is, Shia, Sufis, Ahmadis, Jehovah Witnesses, Methodists, and Evangelicals. The Veddas, an indigenous group, practice their traditional belief. There are no records on the numbers of non-religious people and only 0.1% of the population are recorded as “other” in the last census.¹

Sri Lanka’s post independence history has been marked by ethnic violence and a 30-year civil war that ended in 2009. Reverberations of the conflict continue to be felt across the political, social and economic spheres and have had an impact on the enjoyment of the right to freedom of religion or belief.²

| Constitution and government | Education and children’s rights | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
|-----------------------------|---|--|--|
| | Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative | <p>The dominant influence of religion in public life undermines the right to equality and/or non-discrimination</p> <p>The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism</p> <p>Systemic religious privilege results in significant social discrimination</p> <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</p> <p>Prohibitive interreligious social control (including interreligious marriage bans)</p> <p>Religious control over family law or legislation on moral matters</p> | ‘Blasphemy’ is outlawed or criticism of religion (including de facto ‘blasphemy’ laws) is restricted and punishable with a prison sentence |

| | | | |
|---|---|--|--|
| <p>There is systematic religious privilege</p> <p>Preferential treatment is given to a religion or religion in general</p> <p>Legal or constitutional provisions exclude non-religious views from freedom of belief</p> | <p>There is state funding of at least some religious schools</p> <p>Religious schools have powers to discriminate in admissions or employment</p> | <p>Discriminatory prominence is given to religious bodies, traditions or leaders</p> | <p>Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted</p> |
| | | | <p>Some concerns about political or media freedoms, not specific to the non-religious</p> |

Constitution and government

Political instability

According to the International Crisis Group,³

“The Rajapaksa family’s return to government has put an end to tentative efforts to address the legacy of civil war and brought in [a] more centralised, militarised government, anchored in Sinhala majoritarianism. As Sri Lanka’s longstanding ethno-religious tensions continue to linger, the presence of hardline Sinhala nationalists in power rules out any accommodation of Tamil political claims. Once-fringe ideas of militant Buddhist groups regarding violence and hate speech against Muslims are increasingly being adopted as government policy.”

As a result of economic turmoil, which swiftly evolved into a humanitarian crisis, a popular uprising against the government emerged in April 2022. Citizens mounted protests against the Rajapaksa government. Between April and May, four members of Rajapaksa’s cabinet (including his nephew and three brothers) resigned from their positions.⁴ In July, hundreds of citizens stormed the Presidential palace. Both President Rajapaksa and his brother, the former Prime Minister, fled the country.⁵ Ranil Wickremesinghe was selected by his party to serve as the interim President.⁶

Religion or belief and the law

Four religions are recognized by law: Buddhism, Islam, Hinduism and Christianity. According to Article 10 of the Constitution,⁷ every person is “entitled to freedom of thought, conscience, and religion, including the freedom to have or to adopt a religion or belief of his choice.” While Article 14(1)(e) gives citizens “the right either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship,

observance, practice, and teaching.”

Article 15 outlines the permissible restrictions to the rights enshrined in Article 14(1), namely in the interests of racial or religious harmony, contempt of court, defamation or incitement to an offense, the economy or in relation to parliamentary privilege.

However, Article 9 of the Constitution also accords Buddhism the “foremost place” and commits the government to protecting it, but does not recognize it as the state religion.⁸ In December 2019, the government established the Ministry of Buddha Sasana, Cultural and Religious Affairs’ consolidating all previous independent ministries representing the four main religious groups into one.⁹ Its stated mission is to “create a qualitative society with [a] better way of living by way of formulating and implementing policies and programs with the participation of all stakeholders based on all-faith teachings with emphasis on Buddhism around religious centers.”¹⁰

Protections against discrimination on the basis of race, religion, language, caste, or sex may be found within Article 12. While the Article protects against discrimination on the basis of one’s religion, it does not explicitly provide the same protection on the basis of their beliefs, thereby making it possible to discriminate against the non-religious.

The right to proselytize is not fully protected. In 2003, the Supreme Court ruled that the propagation of a religion other than Buddhism would not be constitutional as it would “impair the very existence of Buddhism or the Buddha Sasana”;¹¹ this ruling was further supported in 2018, when the Supreme Court held that the right to propagate one’s religion was not protected by the Constitution.¹² In his report to the Human Rights Council, UN Special Rapporteur Ahmed Shaheed reported that “hostilities towards Jehovah’s

Witnesses, Evangelicals and Muslims appear to be grounded in the perception that religious conversions threaten established hegemonies or “insult” the doctrines and beliefs of the dominant religion in a given area.”¹³

According to the Council of Ex-Muslims of Sri Lanka, as non-religious people are not recognized by the law in certain circumstances, such as registering a police complaint or taking oaths, they are requested to specify to which religious group they belong.

Rajapaksa administration and Buddhism

The Rajapaksa administration has sought to draw support from the Buddhist majority. In November 2021, members of the government including the president, cabinet and top military personnel attended a series of large-scale Buddhist religious ceremonies in the sacred city of Anuradhapura.¹⁴

Education and children’s rights

Sri Lanka’s education system is divided by ethnicity or language, with the majority of schools being Sinhala-only. Schools of mixed ethnicities and religions are significantly fewer in number. In addition, religious communities are free to run schools and religious education classes. The state exclusively provides funding to religious schools run by the Buddhist community.¹⁵ The segregated system has been criticized for further entrenching divisions within society.¹⁶

In 2020, the Ministry of Education announced the appointment of Buddhist monks and nuns as teachers in schools, describing it as a “contemporary need” in order to create “a generation which can improve the belief in the identity of the country and its culture”. The Minister of Education stated: “The religious institution headed by the priests can provide a real contribution to create sensitive people who identify their customs and norms and love their culture instead of creating robots from the system of education in the country.”¹⁷

Religion is a mandatory subject in both the state and private school curriculum. No child may receive an exemption. However, parents may choose for their children to study Buddhism, Islam, Hinduism, or Christianity. In order for the subject to be taught there must be at least 15 students within the school. Students belonging to other religious groups may pursue religious instruction outside the public school system. The curriculum on religion for the Sri Lankan Ordinary Level is provided by the Ministry of Education, and covers the four main religions. It is a compulsory subject for the General Certificate of Education Ordinary Level exams.¹⁸

In 2022, Rishvin Ismath, spokesperson for Council of Ex-Muslims of Sri Lanka submitted a 293-page report

detailing 367 instances of the inclusion of extremist materials in textbooks used in government-run Islamic schools to the relevant authorities and parties, including the Education Sub Committee of the Presidential Task Force for ‘One Country, One Law’.¹⁹ The government has reportedly committed to removing all extremist material from its textbooks, but no progress has been reported to date.²⁰

Family, community and society

Ethnic and Religious Tensions

As a result of a terrorist attack targeting several churches and public spaces on Easter Sunday 2019 carried out by individuals linked to ISIS – which is estimated to have killed more than 250 people – discrimination, hostility and reports of violence against Muslim communities has intensified.²¹

Tensions between the Buddhist majority and the Christian minority—particularly evangelical Christian groups, which are accused of forced conversions—sporadically flare into attacks on churches and individuals by Buddhist extremists. Muslims have also faced harassment: in April 2012, Buddhist monks stormed a mosque in Dambulla and the government complied with their demands to destroy the mosque, ordering that the mosque would be demolished and relocated. In 2020, a Buddhist monk known for his threatening and violent behavior slapped a Christian while members of the police stood by and watched.²²

Anti-Muslim sentiment has grown since the Easter Sunday bombings, aided in part by the election of Gotabaya Rajapaksa and the COVID-19 pandemic, which was used as a tool to harass the Muslim community. On 28 October 2021, President Rajapaksa appointed Galagoda Aththe Gnanasara – a militant Buddhist monk – to head a presidential task force on legal reforms: known as the ‘One Country, One law Task Force’. According to International Crisis Group:²³

“Gnanasara is the public face of the country’s leading anti-Muslim campaign group, Bodu Bala Sena (Army of Buddhist Power, or BBS). He is widely accused of inciting inter-communal violence, including two deadly anti-Muslim pogroms in June 2014 and March 2018.[...]”

“Observers across the Sri Lankan political spectrum, including some Buddhist nationalists, expressed dismay – at times, outrage – that the president could name someone whose disrespect for the law and hostility to non-Sinhala Buddhist minorities are a matter of public record to head a commission ostensibly designed to prevent “discrimination” and ensure “humanitarian values”. Critics have called the appointment “irrational” and even

“incomprehensible.”

Participating in the Task Force’s consultation, the Council of Ex-Muslims of Sri Lanka called on the authorities to make a range of reforms, including ensuring the legal recognition of the non-religious, the abolition of personal laws, and the abolition of the segregated school system, among others.²⁴

Family law

Matters related to family law, including divorce, child custody, and inheritance, are adjudicated according to the customary law of the applicable ethnic or religious group. In order to solemnize marriages, religious groups must register with the Ministry of Buddha Sasana and Religious Affairs.

Muslim marriages and divorces, and interfaith marriages involving a Muslim, fall under the Muslim Marriages and Divorce Act 1951.²⁵ The act does not discuss consent of the bride. Amendments made in 2019, raised the minimum age to marry to 18 and restricted polygamy provisions by granting first wives the possibility of divorce.²⁶ Furthermore, the penal code exempts Muslims from prosecution for statutory rape providing the victim is married to the perpetrator and is 12 or older.

Activists have recently begun a vigorous campaign to change the law. Gathering data to prove this however is rather difficult as parents or guardians lie about the age of the women they are giving in marriage and some marriages are not even registered. A government committee appointed in 2009 proposes to change Muslim personal law, but as of June 2017 its chairman, a former supreme-court judge, is struggling to get the Muslim community to embrace it.²⁷

Despite the fact that the Presidential Task Force for ‘One Country, One Law’ submitted a report recommending the abolition of personal laws, the president has promised Muslim politicians that he would not act upon the report.²⁸

Discrimination

After visiting Sri Lanka in August 2019, the UN Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed noted: *“In Sri Lanka, women’s experiences of ethno-religious hostilities are no less than those experienced by men. Religious minority women risk double victimization at community and personal levels due to the patriarchal structure of the society and in policies.”*²⁹

Under the Muslim Marriage and Divorce Act 1951, husbands can get quick divorces without having to offer any explanation, however the wife endures a long process that requires her to produce sufficient and valid

grounds for divorce including by producing witnesses and attending hearings. Furthermore, these matters are addressed in *Qazi* courts. In March 2021, the cabinet announced plans to abolish *Qazi* courts.³⁰ However, it remains unclear whether these changes have been implemented.

The Special Rapporteur also observed that, *“[a]fter the Easter bombings, the Government proclaimed under emergency regulations a ban on face covering in public places. This has led to a rise in intolerance towards those who observe religious dress codes, especially Muslim women in public institutions such as hospitals, schools and public transport.”*

LGBTI+ rights

In his August 2019 report, the UN Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed, also noted that, “[m]embers of LGBT+ communities also reported that religious teaching was a significant factor in the marginalization of LGBT+ communities and led to deep personal struggles for those who attempted to reconcile their religious identity with their sexuality. Often, the perspectives of LGBT+ persons and women are excluded from interreligious dialogues and processes of reconciliation. Efforts towards reconciliation, refracted through ethnic and religious lenses, without considering gendered impacts, are not inclusive.”³¹

However, since the publication of his report, there appear to be concerted attempts to address discrimination faced by the LGBTI+ community. In August 2022, a member of parliament presented a private member’s Bill to President Ranil Wickremesinghe, which seeks to recognize the rights of the LGBTI+ community within the Penal Code. In a statement, the President’s Office reportedly stated that the purpose of the bill is to tackle the harassment experienced by members of the LGBTI+ community.³²

Also in August 2022, a Kaduwela magistrate issued what has been described as “a historic ruling” ordering protection for a lesbian woman from her abusive parents. A victim of abuse, the woman’s family had sought to prosecute her for her sexual orientation. The victim was subjected to physical and psychological evaluation at the hands of the police. After successfully securing the dismissal of the case against her, the woman sought a protection order after her family continued to harass her.³³

Freedom of expression, advocacy of humanist values

Although freedom of expression is guaranteed in the Constitution, a number of laws and regulations restrict this right. These include the Official Secrets Act 1955,³⁴

the Prevention of Terrorism Act (PTA) 1979,³⁵ additional anti terrorism regulations issued in 2006, and laws on defamation and contempt of court.

Journalists throughout Sri Lanka, particularly those who cover human rights, corruption or military issues, encountered considerable levels of intimidation, which has led over the past several years to increased self-censorship. Several media publications including Sirasa Maharaja media have faced attacks from armed gangs.³⁶ Past attacks on journalists and media outlets, such as the murder of **Lasantha Wickrematunga** in 2009 and the disappearance of **Prageeth Eknaligoda** in 2010, have not been adequately investigated, leading to a climate of complete impunity.

Restrictions on ‘hurting religious feelings’ act as *de facto* “blasphemy” law

Articles 290-292 of the Penal Code (Ordinance No. 2 of 1883)³⁷ provide the framework for restricting expressions that hurt religious sentiments.

Under Article 290 anyone who destroys, damages or defiles places of worship or objects held sacred to a class of person “with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion” is liable to face a two-year prison term. Article 290A further criminalizes any act in a variety of circumstances within or near places of worship that is intended to “wound religious feelings” or may be considered an “insult” to religion.

Moreover, the law goes on to criminalize in very broad terms any act, including speech acts and written words, made with the intention of “wounding the religious feelings of any person” (Article 291A) or “outraging the religious feelings of any class of persons” (291B), respectively.

Police often take strict action against perceived insults to Buddhism. Foreign tourists perceived to be “disrespecting” the religion have regularly fallen foul of the law.

Section 2(1)(h) of the Prevention of Terrorism Act provides that any person, by words either spoken or intended to be read, or by signs or by visible representations, or otherwise causes or intends to cause the commission of acts of violence or religious, racial or communal disharmony or feelings of ill-will or hostility between different communities or racial or religious groups shall be guilty of an offence. The Act has long been criticized for being used to target minorities, critics of the government, journalists and political opponents.³⁸

Article 3(1) of the ICCPR Act 56 of 2007 (ICCPR Act),³⁹ states:

“no person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence’ and makes any such crime a non-bailable offence which is punishable by up to 10 years in prison.”

Sri Lanka’s ICCPR Act falls short of international standards guaranteeing the right to freedom of expression. Following a recent country visit, Ahmed Shaheed, UN Special Rapporteur on Freedom of Religion or Belief, noted that:

“civil society has observed that certain actors have attempted to misuse the ICCPR Act to restrict freedom of expression and crush dissent. Although inciting to discrimination, hostility and violence is criminalised under the ICCPR Act, many argued that the Act was not applied in a manner that would protect minorities against incitement; rather, it is invoked to protect religions or beliefs against criticism or perceived insult. [The] ICCPR Act has ironically become a repressive tool curtailing freedom of thought or opinion, conscience and religion or belief.”⁴⁰

Together with the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979, the ICCPR Act and articles within the Penal Code form the basis for Sri Lanka’s legal framework to combat hate speech.

Cracking down on dissent

According to Amnesty International,⁴¹

“The Sri Lankan authorities have fiercely clamped down on protests and demonized protesters during a period of economic crisis and hardship in the country. The government responded to largely peaceful protests with excessive and unnecessary force and emergency laws giving sweeping powers to the police and the armed forces, in an effort to curb further demonstrations. Since widespread protests began in March 2022, the police and armed forces have routinely misused tear gas and water cannons against largely peaceful protesters. On two occasions, security forces fired live ammunition at protesters, killing at least one person on 19 April.

“Since President Ranil Wickremesinghe came into power on 21 July, over 140 protesters and protest organizers have been arrested, routinely flouting due process, creating [a] chilling effect on the protest movement. President Ranil Wickremesinghe has also publicly labelled protesters as “terrorists” and “fascists”, in a bid to demonize protesters.

Additionally, the government has employed the draconian anti-terror law Prevention of Terrorism Act (PTA), which in the past has been used to target, and harass minorities, activists, journalists and critical voices, to detain three protesters.”

Highlighted cases

On 8 June 2020, a Buddhist monk and director of the Buddhist Information Centre, filed a complaint against online activist and rationalist **Indika Rathnayake**⁴² claiming that he had propagated fictitious ideas about Buddhism and Buddha. According to Rathnayake, the monk based these accusations on Rathnayake’s Facebook posts stating that Buddhism originated from Jainism. Reacting to the complaint filed with the Criminal Investigation Department, Rathnayake filed a complaint himself with the Human Rights Commission of Sri Lanka on 10 June 2020, stating that his fundamental right of freedom of expression had been infringed. Since the initial complaint was filed, Rathnayake has been questioned by the Criminal Investigation Department.⁴³ The case was dropped after his July 2020 interview.

On 1 April 2019, rationalist and writer **Shakthika Sathkumara**⁴⁴ was arrested on the suspicion that he had committed offences under Section 291B of the Penal Code and Article 3(1) of the ICCPR Act (2007) through the online publication of a short story that made references to homosexuality within the Buddhist clergy. Following multiple procedural delays, Sathkumara was granted bail on 5 August 2019, and released 3 days later. On 22 May 2020, the United Nations Working Group on Arbitrary Detention issued an opinion that Sathkumara’s 127-day detention was arbitrary.⁴⁵ On 9 February 2021, the case against Sathkumara was finally dropped, 22 months after his original arrest.

On 17 October 2019, playwright and filmmaker **Malaka Dewapriya** was reportedly interrogated for four hours by police from the Organized Crimes Prevention Division after he was accused of distorting Buddhist terminology in a radio series.⁴⁶

In June 2019, the identity of one of the members of the Council of Ex-Muslims of Sri Lanka, **Rishvin Ismath**,⁴⁷ was made public against his will, jeopardizing his personal security. Ismath was summoned by a Parliamentary Commission, in front of which he denounced some Islamic textbooks, printed and distributed by the Government, which contained explicit incitements “to kill the apostates of Islam”. Since that day, Ismath has received multiple death threats.

Testimony

“Humanists can have gatherings and meetings only for a selected crowd at in-house auditoriums (subject to the permission of the management). Arranging a large public gathering or meeting is not possible as there could be troubles created by Buddhist monks. Particularly, ex-Muslims have no way of gathering in public, whether small or large, their safety and privacy would be at high risk. Ex-Muslim gatherings are always secret.” – Anonymous

“Atheists and non-religious people are not welcomed by the people. The general public thinks that atheists and non-religious people are the worst” and that “they would do any crimes.” – Rishvin Ismath

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Turkey

| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|
| | | | |

With its historical metropolis, Istanbul, being the only city in the world said to be straddling Asia and Europe, Turkey has long been pulled ideologically in divergent directions. Turkey counts a population of 82 million people, 99% of whom are nominally Muslim (predominantly Sunni, with a substantial minority of Alevi). Around 5% self-identify as atheists or non-believers.¹ Data suggests that the younger generation are more likely to describe themselves as non-religious or atheist.²

In recent years, the famous secularism of Atatürk has been under tremendous pressure from the Islamist-leaning government of President Recep Tayyip Erdoğan and the ruling Justice and Development Party (AKP), which has conducted a sustained assault on Turkey's

long-held secularist principles, freedom of expression and social liberties generally in recent years. Besides a continuous push for the Islamization of society, the government's response to a failed coup attempt in 2016³ has been widely condemned domestically and abroad as a gross overreaction, spiraling into a "purge" of thousands of officials and a crackdown on civil society.

There are widespread allegations of the use of torture against political prisoners.⁴

The country is a member state of the Organization of Islamic Cooperation (OIC).

| Constitution and government | Education and children's rights | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
|---|---|---|--|
| | Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative | The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views | 'Blasphemy' is outlawed or criticism of religion (including de facto 'blasphemy' laws) is restricted and punishable with a prison sentence |
| Preferential treatment is given to a religion or religion in general State-funding of religious institutions or salaries, or discriminatory tax exemptions | Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives) | Some religious courts rule in civil or family matters on a coercive or discriminatory basis | Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted |
| Official symbolic deference to religion | | | No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state |

Constitution and government

The current Constitution⁵ protects freedom of religion or belief, guaranteeing equal protection before the law, irrespective of “philosophical belief, religion and sect.” It also lists secularism as one of the fundamental characteristics of the Republic. However, the principles of secularism have been under sustained assault under the ruling AKP and, in particular, under the presidency of Recep Tayyip Erdoğan.

Government-driven Islamization

Since the founding of the Republic in 1923, Turkey has experienced deep tensions over the issue of religious freedom. For many years, Muslim women who wore headscarves were banned from attending universities and schools, working for the civil service, and even entering state buildings.⁶ The number of non-Muslims declined due to state pressure, punitive taxation, seizing of their properties, and widespread governmental and societal hostilities, which included violent attacks and murder.⁷

In 2002, Turkey entered a new phase with the election of the AKP. On the one hand, “the AKP government has lifted limits on women with headscarves, enabled non-Muslims to open associations, established a process to return seized properties to non-Muslim foundations, allowed new churches to open, and supported the restoration of multiple Jewish and Christian religious and cultural heritage sites.”⁸ On the other hand, non-religious Turks, and those not from classically understood Sunni Muslim traditions, report feeling that they are being pressured to adopt or adhere to a particular political ideology, rooted in the ‘*Hanafi*’ school of Sunni Islam.

There are several constitutional provisions and other laws and state practices that infringe on freedom of religion or belief and go against the principle of secularism.

For instance, the state allocates substantial funds to provide religious services exclusively for Sunni Muslims, used to pay the salaries of imams, construct mosques and oversee pilgrimage.⁹

Not only does the Diyanet (a Sunni Muslim institution) officially adopt the president’s policy of raising a “pious generation;”¹⁰ it also issues vitriolic statements against atheist and freethinkers,¹¹ thereby jeopardizing freedom of belief.

Furthermore, in a world-wide contested move, the former Orthodox cathedral of Hagia Sophia in Istanbul was turned back into a mosque in 2020 after having been a museum since 1934.¹²

With all these practices, the state has violated the principle of secularism.¹³

Deterioration of the rule of law

In 2017, the AKP and its nationalist ally, the Nationalist Movement Party, adopted amendments to the Constitution that considerably increased the President’s power to the detriment of the Parliament.¹⁴ The amendments, which were approved by a narrow majority in a national referendum, have been regarded as yet another slip into authoritarianism.¹⁵

This move followed a failed coup that took place on 15 July 2016 and the ensuing crackdown. The crackdown, directed by President Erdoğan, led to the arrest of more than 36,000 people, including members of opposition parties, and the dismissal of some 100,000 (mainly from state jobs).¹⁶ By March 2019, these figures had risen to almost 100,000 people arrested and more than 150,300 dismissed.¹⁷

The Turkish government and the COVID-19 pandemic

During a Friday sermon in April 2020, the head of the Directorate of Religious Affairs (Diyanet) insinuated that the coronavirus spread because of homosexuality and extramarital affairs. The Ankara Bar Association, considering this statement as being tantamount to hate speech, filed a criminal complaint with the attorney office. President Erdoğan, however, supported the head of Diyanet accusing his critics of “attacking the state and Islam.”¹⁸

Education and children’s rights

Religion classes at primary and secondary schools are compulsory. Only Christian and Jews are allowed to be exempted from religion classes.¹⁹ Article 42 of the Constitution requires this education to be conducted under the “supervision and control of the state.” While these classes cover basic information about other religions, they are predominantly about the theory and practice of Sunni Hanafi Islam.²⁰

Compulsory Religious Education

A 2015 report by the United States Commission on International Religious Freedom (USCIRF) found that the religion class and its required textbooks were problematic: the textbooks were written with a Muslim worldview and interpretation of other religions, and included generalizations and derogatory statements about other religions or belief stances.²¹ More seriously, the report found that, “atheism is treated alongside a discussion of the perceived risk of Satanism, making a dangerous suggestion about people who hold no religious beliefs.”²²

After the July 2016 coup attempt, the Ministry of National Education made a comprehensive change in the school curriculum, intensifying Sunni Muslim content in the textbooks, and increasing the number of obligatory and elective religion courses, further undermining the country's secular education system.²³

In June 2017, Turkey removed the concept of evolution from its school curriculum, an act widely seen as the latest attempt by the government to erode the country's secular character.²⁴ "The last crumbs of secular scientific education have been removed," said Feray Aytekin Aydogan, the head of Egitim-Sen, a union of secular-minded teachers.

Overall, analysts have noted how President Erdoğan's government has steadily increased references to Islam in the curriculum and removed some references to the ideas of Mustafa Kemal Atatürk, Turkey's secularist founder. It has also increased the number of religious schools, known as 'imam hatip' schools, and spoken of a desire to raise "a pious generation" of young Turks.²⁵

Despite this, a study conducted by Sakarya University together with the Ministry of Education released in 2020 suggests that,²⁶ "students are 'resisting compulsory religion lessons, the government's 'religious generation' project and the concept of religion altogether'." The study, which examined the religious curriculum taught in schools, revealed that almost half of the teachers interviewed said their students were increasingly likely to describe themselves as atheists, deists or feminists, and challenge the interpretation of Islam being taught at school.

Religious education and the COVID-19 pandemic

During the pandemic, the official TV channel of the Ministry of Education Affairs broadcast educational programs for the students, during which it was claimed that "atheism is against human nature."²⁷

Family, community and society

Non-believers

The country is predominantly Muslim with only a small minority identifying as atheist. A 2012 Gallup survey found that 73% Turkish people described themselves as being "not a religious person," in spite of a mere 2% of atheist respondents.²⁸

Atheism seems to have steadily increased since. According to the pollster KONDA, atheists have tripled in the last ten years, and the number of non-believers has doubled, totalling together 5%. This percentage rises among young people under the age of 30.²⁹

These figures should be read bearing in mind the

increasing social and governmental pressure against non-believers, which means that the actual number could be much higher.

Women

Violations of the rights of women and girls are legitimized for religious reasons, in a country which has "one of the highest rates of child marriage in Europe, with an estimated 15% of girls married before the age of 18 and 2% married before the age of 15."³⁰

In 2017, the AKP Government passed a law allowing religious officials to perform civil marriages, a move that women's rights groups argue is a step towards the weakening of Turkey's secularism and could further increase the number of child marriages.³¹

Violence against women has been on the rise, and in November 2015 the Justice Ministry appeared to suggest responding to the rise by downgrading the sentences given to those found guilty of domestic and sexual abuse and violence, effectively reclassifying violence aimed primarily at women as a "petty crime."³² Attacks on secular women from personal social media accounts include rape threats. The legal processes regarding these crimes are often shelved, and are not reflected in the discourses of politicians and the official media.³³

In a widely reported speech to mark Eid al-Fitr in July 2014, Deputy Prime Minister, Bülent Arınç, said, "Chastity is so important. It's not just a word, it's an ornament [for women] [...] A woman should be chaste. She should know the difference between public and private. She should not laugh in public."³⁴ A social media backlash saw hundreds of women posting photographs of themselves smiling and laughing with the hashtags **#direnkahaha** ("resist laughter") and **#direnkadin** ("resist woman"). A year later, during an emergency parliamentary debate on military action against Kurdish militants, he told Nursel Aydogan, a pro-Kurdish Peoples' Democratic Party (HDP) member of parliament: "Madam be quiet! You are a woman, be quiet!" She later responded, "I don't take it personally. It is an insult against all women including their own (ruling party) lawmakers."³⁵

Withdrawal from the Istanbul Convention

In March 2021, Turkey became the first country to officially withdraw from the 2011 Istanbul Convention, an international treaty to prevent violence against women and domestic violence.³⁶ Thousands protested the decision and called for it to be reversed.³⁷ Human rights experts have expressed concern that the decision "weakens protections for women's well-being and safety."³⁸

The Turkish Presidency's Directorate of Communications issued an official statement arguing that the convention

had been “hijacked by a group of people attempting to normalize homosexuality – which is incompatible with Türkiye’s social and family values.”³⁹ According to the Directorate of Communications this was the reason for the country’s decision to withdraw. Some conservatives have claimed that the convention damages family unity and encourages divorce.

Although the decision was met with criticism from national and international advocacy groups, opposition parties in Turkey, international governments and various protests across the country, the Istanbul Convention ceased to be effective in Turkey on 1st July 2021.⁴⁰

LGBTI+ rights

On 26 June 2022, Turkish authorities broke up a banned Pride protest in Istanbul and detained more than 300 demonstrators who were reportedly released the following day.⁴¹ The authorities in Beyoglu and Kadikoy banned all Pride Week events between 20 June 2022 and 26 June 2022, and argued that “they could lead to public unrest due to society’s sensitivities.” Amnesty Turkey described the ban as “extremely harsh” and “arbitrary.”⁴²

Freedom of expression, advocacy of humanist values

Freedom of expression is protected by the current Constitution in principle, but is not respected in practice. Crackdowns on social media in recent years, including enforced blackouts of Twitter, Facebook, YouTube, and Wikipedia, have gained attention worldwide.⁴³

A restrictive law introduced in July 2020 forced social media companies into opening offices that would comply with content takedown demands made by the government.⁴⁴ By March 2021 major social media companies such as Twitter, YouTube, TikTok, and Facebook had all opened offices in Turkey in order to comply with the restrictive law.⁴⁵

The Turkish government continues to restrict, censor and block those who are critical of the Turkish government and its policies. In August 2021, the government reportedly blocked access to the webpages of 141 news reports that were published by Bianet.⁴⁶ The news reports were critical of the government’s policies and covered issues such as the rise of gender-based violence.⁴⁷

Sunni Islamic propaganda is carried out in TRT, the official media channel of the state, and neutrality is not taken into account in the selection of programs and guests. The same also applies to pro-government channels that constitute the majority of the media. Intense pressure and censorship is imposed on the few media channels that do not support the government.⁴⁸

National and religious minorities are often made the target of hate speech in the media.⁴⁹

Identifying as ‘atheist’ is especially problematic, prompting public smear campaigns, insults, threats, and discrimination.

Upon the foundation of the **Turkish Atheism Association (Ateizm Derneği)** in April 2014, its personnel started to receive death threats.⁵⁰ In 2015, an Ankara court blocked the Association’s website⁵¹ for a few months on grounds of disrupting public order and insulting religious values, as per Article 216.3 of the Penal Code.⁵²

The Association reports that the term ‘atheist’ is used as an insult or equated with Satanism or terrorism, and how the presumption of Islam at birth for most Turkish citizens and discrimination in the workplace act to keep the non-religious from identifying as such.⁵³

In 2020, the Association filed two relevant lawsuits prompted by derogatory statements against atheists, including against a teacher who taught his pupils that “[a]theism makes you an ill-minded person. Atheism leads to Satanism. Atheism leads to torturing animals. Atheism leads to commit suicide,”⁵⁴ and a newspaper, *Yeni Akit*, which published an article alleging that atheists are potential serial killers.⁵⁵

“Blasphemy” law

Article 216 of the Penal Code outlaws insulting religious belief, with Article 216.3 stating,

“A person who publicly degrades the religious values of a section of the public shall be sentenced to a penalty of imprisonment for a term of six months to one year, where the act is capable of disturbing public peace.”⁵⁶

Highlighted Cases

In 2020, dissident journalist **Enver Aysever** was arrested on charges of violating Article 216/3 of the Penal Code after he shared on his personal twitter page a caricature mocking the Muslim clergy for its behaviour during the COVID-19 pandemic.⁵⁷ He was later released, but still faces a trial for insulting religious feelings.⁵⁸ Reports indicate that a separate case was opened against the artist. According to media reports, Aysever was subsequently detained once again in connection with the caricature in March 2021.⁵⁹ On 21 December 2021, Aysever was reportedly given a nine-month suspended sentence.⁶⁰

On 23 May 2020, the song “**Bella Ciao**” resounded from the loudspeakers of some mosques in Izmir, in a provocative campaign that was shared on social media. Izmir Chief Public Prosecutor announced an

investigation not only on the act of sabotage, but also on those who shared the video, for the crime of 'publicly denigrating religious values' under Article 216/3 Penal Code.⁶¹

As a result, Banu Özdemir – former Izmir provincial vice president of the main opposition party, the Republican People's Party (CHP) – was taken into custody due to her sharing the story.⁶²

Testimonies

"It's getting more and more difficult for a secular minded person to raise children unaffected from religious oppression. Some secular schools in my neighbourhood have been changed to religious curriculum. There is a mandatory "Morale and Religion" class, which teaches basics of Sunni Islam, and I'm afraid my child will be forced to take it. To avoid the class, the school management requires me to declare my religious beliefs. This is against the Constitution, and will make us exposed. Many people don't bother and that's how everyone's signed up to that class. I hear from relatives that their children are compelled to select other "optional" religious courses, because science teachers are not available, but religious teachers always are. Yesterday [4 December 2014], the National Education Council suggested religion class for kindergarten, while protesters were accused of blasphemy. That idea was dismissed for kindergarten, but recommended for the first class in primary school. See the mindset in charge? I am seriously concerned about how I am going to secure my child's getting a secular education, just as I did myself sixteen years ago. The situation has deteriorated and is much worse than how it was in the 90's."

— Levent Topakoglu

"Today I found myself deleting the anti-religion and anti-government posts in my timeline. Because I can be charged with 'causing imminent threat to public peace' with my posts of atheist humor, according to Turkish penal law 216/3. It could be elements of criticism to religious fanaticism, or just a piece of poetry from 800 years ago. It doesn't matter to the judges, thanks to an unnecessarily wide understanding of the law. My post doesn't need to provoke anyone, nor cause hurt. I can be tried anyway. The same is not applied when the head of government can easily call atheists "terrorists" or condemns atheism to be an unwanted result of 'bad' education. In a nation where an alarmingly high percentage of citizens deem atheists the least wanted neighbours, followed by homosexuals, I cannot afford to allow our politicians to promote this unfair, non-democratic, non-secular propaganda against non-Sunni Muslims living in Turkey. Are all citizens not deserving of the same protection and consideration under the law of the country in which they reside?"

— Onur Romano

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The future of the Freedom of Thought Report

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